The Journal OF THE House of Representatives

Number 39 **Tuesday, April 27, 2010**

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by the Reverend Shelly Chandler of First Baptist Church of Bonifay, upon invitation of Rep. Drake:

Dear Father, we thank You for this great state we call home. Lord, we thank You for this great country and all the bountiful blessings that come only from You.

Lord, today, we need Your wisdom. Lord, I ask You to bless Your blessings on each and every one of these Representatives. Help them to be good stewards of the power and authority that You have given them. May they seek Your will and hear Your voice.

Lord, help this House make good decisions. Lord, forgive our sins, and heal our land. And I ask this in the wonderful name of Jesus. Amen.

The following members were recorded present:

Session Vote Sequence: 997

Speaker Cretul in the Chair.

Abruzzo	Evers	Kreegel	Rivera
Adams	Fetterman	Kriseman	Robaina
Adkins	Fitzgerald	Legg	Roberson, K.
Ambler	Flores	Llorente	Roberson, Y.
Anderson	Ford	Long	Rogers
Aubuchon	Fresen	Lopez-Cantera	Rouson
Bembry	Frishe	Mayfield	Sachs
Bernard	Gaetz	McBurney	Sands
Bogdanoff	Galvano	McKeel	Saunders
Boyd	Garcia	Murzin	Schenck
Brandenburg	Gibbons	Nehr	Schultz
Braynon	Gibson	Nelson	Schwartz
Brisé	Glorioso	O'Toole	Skidmore
Bullard	Gonzalez	Pafford	Snyder
Burgin	Grady	Patronis	Soto
Bush	Grimsley	Patterson	Stargel
Cannon	Hasner	Plakon	Steinberg
Carroll	Hays	Planas	Taylor
Chestnut	Heller	Poppell	Thompson, G.
Clarke-Reed	Holder	Porth	Thompson, N.
Coley	Homan	Precourt	Tobia
Cretul	Hooper	Proctor	Van Zant
Crisafulli	Horner	Rader	Waldman
Cruz	Hudson	Randolph	Weatherford
Culp	Hukill	Ray	Weinstein
Domino	Jenne	Reagan	Williams, A.
Dorworth	Jones	Reed	Williams, T.
Drake	Kelly	Rehwinkel Vasilinda	Wood
Eisnaugle	Kiar	Renuart	Workman

(A list of excused members appears at the end of the *Journal.*)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Alexander Pittman; Andrew Pittman; Brit Godwin; Daniel Pittman; Daniel Van Zant; Grant Birtman; Harrison Reid; Jackson Roberts; Joshua Van Zant; Justin Pittman; Michael Hawkins Alexander; Mitchell Reid; Timothy Rubottom; Wilson Roberts; and Winston Pittman, who all represented the Boy Scouts of America.

Recognition Ceremony

The Speaker recognized Reps. Ray and Wood to approach the well to make an announcement on the 100th Anniversary of Scouting. Reps. Ray and Wood made brief remarks. Rep. Wood invited members of the Boy Scouts to approach the well, where they presented the Speaker with a clock.

House Physician

The Speaker introduced Dr. E. Cary Pigman of Avon Park, who served in the Clinic today upon invitation of Rep. Grimsley.

Correction of the *Journal*

The *Journal* of April 26 was corrected and approved as corrected.

Reports of Standing Councils and Committees

Reports of the Rules & Calendar Council

The Honorable Larry Cretul April 26, 2010
Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Tuesday, April 27, 2010. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

CS for CS for CS for SB 846 - Banking and Insurance, Community Affairs, & others
Residential Fire Sprinkler Requirements [CPSC]

CS/HB 7095 - Economic Development & Community Affairs Policy Council, Governmental Affairs Policy Committee, & others

Residential Fire Sprinkler Requirements

CS for CS for SB 982 - Judiciary, Communications, Energy, and Public Utilities, & others
Underground Facility Damage Prevention & Safety [EPSC]

CS/HB 691 - Energy & Utilities Policy Committee, Murzin, & others
Underground Facility Damage Prevention and Safety

CS for SB 1118 - Community Affairs, Altman, & others
Docks [EPSC]

CS/CS/CS/HB 1239 - General Government Policy Council, Natural Resources Appropriations Committee, & others
Docks

SB 1136 - Crist
Firesafety Inspections [EPSC]

HB 629 - Burgin
Firesafety Inspections

CS for CS for SB 2044 - General Government Appropriations, Banking and Insurance, & others
Property Insurance [CPSC]

CS for SB 2046 - Banking and Insurance, Richter
Employee Leasing Companies [CPSC]

HB 7241 - Economic Development & Community Affairs Policy Council, Murzin
Employee Leasing Companies

SB 1150 - Dean
Registration/Farm Labor Contractors and Employees [CPSC]

CS/HB 357 - Insurance, Business & Financial Affairs Policy Committee, McKeel
Registration of Farm Labor Contractors and Employees

CS for CS for SB 1152 - Regulated Industries, Banking and Insurance, & others
Funeral, Cemetery, and Consumer Services Act [CPSC]

CS/HB 527 - Insurance, Business & Financial Affairs Policy Committee, Roberson, K., & others
Florida Funeral, Cemetery, and Consumer Services Act

CS for CS for SB 1412 - Policy and Steering Committee on Ways and Means, Governmental Oversight and Accountability, & others
Obsolete or Outdated Agency Plans/Reports/Programs [GPSC]

SB 1678 - Higher Education
OGSR/Moffitt Cancer Center and Research Institute [SPSC]

HB 7197 - Governmental Affairs Policy Committee, Schenck
OGSR/H. Lee Moffitt Cancer Center and Research Institute

CS for CS for SB 1736 - Policy and Steering Committee on Ways and Means, Commerce, & others
Unemployment Compensation [CPSC]

CS for SB 1730 - Higher Education, Oelrich, & others
Biodiesel Fuel [SPSC]

HB 1065 - Precourt, Chestnut
Biodiesel Fuel

CS for SB 1752 - Policy and Steering Committee on Ways and Means, Gaetz, & others
Economic Development [WPSC]

CS/CS/HB 1509 - Finance & Tax Council, Economic Development Policy Committee, & others
Economic Development

CS for CS for SB 1964 - Judiciary, Regulated Industries, & others
Design Professionals [CPSC]

CS/HB 701 - Criminal & Civil Justice Policy Council, Precourt, & others
Design Professionals

CS for SB 318 - General Government Appropriations, Environmental Preservation and Conservation, & others
Wildlife Regulation [EPSC]

CS/CS/HB 709 - General Government Policy Council, Natural Resources Appropriations Committee, & others
Wildlife Regulation

CS for CS for CS for SB 2086 - General Government Appropriations, Commerce, & others
Consumer Debt Collection [CPSC]

CS for CS for CS for SB 1196 - Judiciary, Military Affairs and Domestic Security, & others
Community Associations [CPSC]

CS/CS/CS/HB 561 - Criminal & Civil Justice Policy Council, Insurance, Business & Financial Affairs Policy Committee, & others
Community Associations

II. Consideration of the following bills:

CS for SB 902 - Ethics and Elections, Alexander, & others
Public Trust [GPSC]

CS for SB 1178 - Policy and Steering Committee on Ways and Means, Haridopolos, & others
Cost-benefit/Return-on-investment/Dynamic Scoring [WPSC]

CS/HB 121 - Finance & Tax Council, Poppell, & others
Cost-benefit, Return-on-investment, and Dynamic Scoring Techniques

CS for SB 1612 - Governmental Oversight and Accountability, Lawson
Office of Supplier Diversity/DMS [GPSC]

CS/HB 1075 - Governmental Affairs Policy Committee, Braynon, & others
Office of Supplier Diversity of the Department of Management Services

CS for CS for SB 644 - Transportation and Economic Development Appropriations, Governmental Oversight and Accountability, & others
Direct-support Org./Department of Military Affairs [WPSC]

CS/HB 395 - Military & Local Affairs Policy Committee, Abruzzo, & others
Direct-Support Organization for the Department of Military Affairs

CS for CS for SB 1004 - Criminal and Civil Justice Appropriations, Judiciary, & others
Local Government [EPSC]

CS/CS/CS/HB 829 - Economic Development & Community Affairs Policy Council, Criminal & Civil Justice Policy Council, & others
Local Government

III. Consideration of the following bills:

CS for SB 312 - Governmental Oversight and Accountability, Jones

Pub. Rec./Public Defenders/Regional Counsel [SPSC]

CS/HB 485 - Governmental Affairs Policy Committee, Drake, & others
Pub. Rec./Public Defenders/Regional Counsel

CS for CS for SB 366 - Criminal Justice, Regulated Industries, & others
Retail Sales of Smoking Pipes and Devices [CPSC]

CS/CS/HB 187 - Criminal & Civil Justice Policy Council, Finance & Tax Council, & others
Retail Sales of Smoking Pipes and Smoking Devices

CS for SB 370 - Criminal and Civil Justice Appropriations, Joyner, & others
Community Corrections Assistance [SPSC]

CS/CS/HB 203 - Criminal & Civil Justice Policy Council, Criminal & Civil Justice Appropriations Committee, & others
Community Corrections Assistance to Counties or County Consortiums

CS for SB 492 - Commerce, Smith
Garnishment/Exemption of Wages [CPSC]

CS/CS/CS/HB 409 - Criminal & Civil Justice Policy Council, Policy Council, & others
Garnishment

SB 502 - Aronberg
Special Investigators [SPSC]

CS/HB 183 - Criminal & Civil Justice Appropriations Committee, Pafford, & others
Special Investigators

CS for SB 704 - Judiciary, Thrasher, & others
Capital Felonies [SPSC]

CS/HB 259 - Criminal & Civil Justice Policy Council, Weinstein, & others
Capital Felonies

CS for CS for SB 926 - Judiciary, Banking and Insurance, & others
Trusts [CPSC]

CS/CS/HB 501 - General Government Policy Council, Insurance, Business & Financial Affairs Policy Committee, & others
Estates and Trusts

CS for CS for SB 998 - Banking and Insurance, Judiciary, & others
Trust Administration [SPSC]

CS/HB 361 - Criminal & Civil Justice Policy Council, Wood, & others
Trust Administration

CS for SB 200 - Criminal Justice, Baker, & others
Parole Interview Dates for Certain Inmates [WPSC]

HB 261 - Evers, Garcia, & others
Parole Interview Dates for Certain Inmates

SB 808 - Oelrich, Crist
Murder/Unlawful Distribution of Methadone [SPSC]

CS for SB 1012 - Criminal and Civil Justice Appropriations, Jones
Juvenile Justice Facilities and Programs [SPSC]

HB 813 - Garcia
Juvenile Justice Facilities and Programs

CS for CS for SB 1050 - Judiciary, Criminal Justice, & others
Ephedrine or Related Compounds/Sale [SPSC]

CS/CS/HB 1071 - Full Appropriations Council on Education & Economic Development, Health Care Regulation Policy Committee, & others
Sale of Ephedrine or Related Compounds

CS for SB 1072 - Criminal and Civil Justice Appropriations, Wise
Juvenile Justice [SPSC]

CS/HB 7181 - Criminal & Civil Justice Policy Council, Public Safety & Domestic Security Policy Committee, & others
Juvenile Justice

IV. Consideration of the following bills:

CS for SB 140 - Governmental Oversight and Accountability, Siplin, & others
School Food Service Programs [SPSC]

CS/HB 1619 - PreK-12 Policy Committee, Bush, & others
School Food Service Programs

SB 166 - Wise
Prescribed Pancreatic Enzyme Supplements/Use [SPSC]

HB 45 - Renuart, Porth, & others
Use of Prescribed Pancreatic Enzyme Supplements

CS for SB 206 - Education Pre-K - 12, Hill, & others
District School Board Policies and Procedures [SPSC]

CS/HB 55 - PreK-12 Policy Committee, Reed, & others
District School Board Policies and Procedures

CS for CS for SB 850 - Higher Education Appropriations, Higher Education, & others
Fla. Industrial and Phosphate Research Institute [SPSC]

CS/CS/CS/HB 149 - General Government Policy Council, State Universities & Private Colleges Appropriations Committee, & others
Florida Industrial and Phosphate Research Institute

CS for CS for SB 1058 - Education Pre-K - 12, Criminal Justice, & others
Cooperation Between Schools & Juvenile Authorities [SPSC]

CS/HB 603 - PreK-12 Policy Committee, Soto, & others
Cooperation Between Schools and Juvenile Authorities

CS for CS for CS for SB 2014 - Transportation and Economic Development Appropriations, Children, Families, and Elder Affairs, & others
Early Learning [CPSC]

CS/CS/HB 1203 - Full Appropriations Council on Education & Economic Development, PreK-12 Policy Committee, & others
Early Learning

SB 150 - Ring, Sobel, & others
Sports Coaches/Criminal History Records Checks [SPSC]

CS/HB 59 - Policy Council, Gibbons, & others
Athletic Coaches

V. Consideration of the following bills:

SB 488 - Lynn, Wilson
Vehicle Registration Forms/Voluntary Contribution [CPSC]

HB 609 - O'Toole
Motor Vehicle Registration Application Forms

CS for SB 768 - Judiciary, Constantine, & others
Luis Rivera Ortega Street Racing Act [CPSC]

CS/HB 97 - Roads, Bridges & Ports Policy Committee, Soto, & others
Street Racing

CS for SB 962 - Transportation, Storms
Driver License Records [CPSC]

CS/HB 479 - Health Care Services Policy Committee, Reed, & others
Driver License Records

SB 2470 - Thrasher
Regional Transportation [CPSC]

CS for CS for SB 1842 - Community Affairs, Transportation, & others
Transportation Projects [CPSC]

CS/HB 1331 - Roads, Bridges & Ports Policy Committee, Abruzzo, & others
Transportation Projects

VI. Consideration of the following bills:

CS for CS for SB 2272 - Criminal Justice, Health Regulation, & others
Controlled Sustances [SPSC]

CS for CS for CS for SB 694 - General Government Appropriations, Judiciary, & others
Child Support [SPSC]

CS/HB 7083 - Health & Family Services Policy Council, Health Care Services Policy Committee, & others
Child Support Enforcement

CS for CS for CS for SB 742 - Health and Human Services Appropriations, Community Affairs, & others
Public Safety Telecommunicators/E911 [SPSC]

CS for SB 2752 - Health Regulation, Dean, & others
Citrus County [EPSC]

SB 1166 - Altman, Storms, & others
Community Residential Homes [EPSC]

CS/CS/HB 645 - Health & Family Services Policy Council, Military & Local Affairs Policy Committee, & others
Community Residential Homes

CS for SB 1306 - Children, Families, and Elder Affairs, Storms
Public Assistance [SPSC]

HB 1293 - Coley
Public Assistance

CS for CS for SB 434 - Children, Families, and Elder Affairs, Education Pre-K - 12, & others
Suicide Prevention Education [SPSC]

CS/CS/HB 1061 - PreK-12 Appropriations Committee, PreK-12 Policy Committee, & others
Suicide Prevention

VII. Consideration of the following bills:

SB 12 - Haridopolos, Altman, & others
Relief/Stephen Hall/DOT [WPSC]

HB 9 - Bernard, Workman, & others
Relief/Stephen Hall/DOT

CS for SB 30 - Health Regulation, Dean
Relief/Lois Lacava/Munroe Regional Health System [SPSC]

CS/HB 1303 - Civil Justice & Courts Policy Committee, Fresen
Relief/Lois Lacava/Munroe Regional Health System

CS for SB 46 - Community Affairs, Peaden
Relief/Edwidge Valmyr Gabriel/City of North Miami [EPSC]

CS/HB 1017 - Civil Justice & Courts Policy Committee, Galvano
Relief/Edwidge Valymr Gabriel/City of North Miami

CS for SB 50 - Community Affairs, Rich
Relief/Madonna Castillo/City of Hialeah [EPSC]

HB 1155 - Gonzalez
Relief/Madonna Castillo/ City of Hialeah

SB 54 - Gardiner
Relief/Erskin Bell, II/City of Altamonte Springs [SPSC]

CS/HB 363 - Military & Local Affairs Policy Committee, Adams
Relief/Erskin Bell, II/City of Altamonte Springs

CS for SB 60 - Children, Families, and Elder Affairs, Storms
Relief/Pierreisna Archille/DCFS [SPSC]

CS/HB 195 - Civil Justice & Courts Policy Committee, Nehr, & others
Relief/Pierreisna Archille/DCFS

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Bill Galvano, Chair
Rules & Calendar Council

On motion by Rep. Galvano, the above report was adopted.

Bills and Joint Resolutions on Third Reading

CS/CS/HB 447 was temporarily postponed.

CS/CS/HB 7209 was temporarily postponed.

HB 7217 was temporarily postponed.

CS/CS/HB 513 was temporarily postponed.

HB 7233 was temporarily postponed.

CS/CS/CS/HB 617 was temporarily postponed.

CS/HB 1297 was temporarily postponed.

CS/HB 7229—A bill to be entitled An act relating to economic incentives for energy initiatives; amending s. 377.601, F.S.; revising legislative intent relating to the state's energy policy; amending s. 377.703, F.S.; conforming cross-references; creating s. 366.90, F.S.; providing legislative intent relating to renewable energy production of electricity; amending s. 366.91, F.S.; deleting legislative intent provisions to conform to changes made by the act; revising the definition of the terms "biomass"; amending s. 366.92, F.S.; establishing the Agriculture and Clean Energy Economic Development Pilot Project; providing that certain electric energy be considered renewable energy under the pilot project; amending s. 366.92, F.S.; deleting the legislative intent provisions; deleting and revising definitions; deleting provisions for the renewable portfolio standard and renewable energy credits; providing a mechanism for providers to recover costs to produce or purchase specified amounts of renewable energy through the environmental cost-recovery clause under certain conditions; requiring providers to include specified information related to renewable energy development in a certain report; authorizing a

developer of solar energy generation to locate a solar energy generation facility on the premises of a host consumer under certain circumstances; requiring the commission to adopt rules and submit reports to the Legislature; amending s. 403.44, F.S.; revising legislative intent for the Florida Climate Protection Act; prohibiting the Department of Environmental Protection from adopting a cap-and-trade regulatory program or otherwise regulating carbon emissions in the state; amending s. 366.8255, F.S.; conforming a provision to changes made by the act; amending s. 403.503, F.S.; revising the definition of "electrical power plant" for purposes of the Florida Electrical Power Plant Siting Act; amending ss. 288.9602 and 288.9603, F.S.; revising legislative findings and declarations and definitions for purposes of the Florida Development Finance Corporation Act; amending s. 288.9604, F.S.; revising requirements for the establishment and organization of the Florida Development Finance Corporation; amending s. 288.9605, F.S.; revising the powers of the corporation; amending s. 288.9606, F.S.; revising requirements for the corporation's issuance of revenue bonds; amending s. 288.9607, F.S.; limiting the corporation's approval of guaranties for debt service for bonds or other indebtedness for any one capital project; deleting provisions for the corporation's investment of certain funds in the State Transportation Trust Fund; authorizing guarantees to be used in conjunction with federal guaranty programs; amending s. 288.9608, F.S.; creating the Energy, Technology, and Economic Development Guaranty Fund; providing for the deposit and use of certain moneys in the fund; deleting requirements for the corporation's debt service reserve account and Revenue Bond Guaranty Reserve Account; amending ss. 288.9609, 288.9610, 206.46, 215.47, 339.08, and 339.135, F.S.; conforming provisions to changes made by the act; providing for severability; providing an effective date.

—was read the third time by title.

Representative Rehwinkel Vasilinda offered the following:

(Amendment Bar Code: 633379)

Amendment 4 (with title amendment)—Between lines 187 and 188, insert:

Section 3. The Legislature finds that there is a need for a funding mechanism to support and finance a comprehensive energy policy, especially as it relates to sustainable and renewable energy, energy conservation, and energy efficiencies. With such a stable funding mechanism, this state will realize important long-term goals, including:

(1) Increased independence from foreign oil.

(2) Ensuring an adequate and reliable energy supply.

(3) The promotion of economic growth and new investment in the creation of high-paying jobs.

(4) The mitigation of adverse environmental impacts and the promotion of stewardship of the environment.

(5) Leading the nation in energy conservation and energy efficiencies through needed support for implementing and marketing the products of renewable energy research and innovation.

(6) Contributing to a sustainable and renewable energy policy for the state.

Section 4. Subsections (1) and (2) of section 377.806, Florida Statutes, are amended to read:

377.806 Solar Energy System Incentives Program.—

(1) PURPOSE.—The Solar Energy System Incentives Program is established within the commission to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2016 ~~2010~~, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.—

(a) Eligibility requirements.—A solar photovoltaic system qualifies for a rebate if:

1. The system is installed by a state-licensed master electrician, electrical contractor, or solar contractor.

2. The system complies with state interconnection standards as provided by the Florida Public Service Commission.

3. The system complies with all applicable building codes as defined by the Florida Building Code.

(b) Rebate amounts.—The rebate amount shall be set at $2 ~~$4~~ per watt based on the total wattage rating of the system. The maximum allowable rebate per solar photovoltaic system installation shall be as follows:

1. Ten ~~Twenty~~ thousand dollars for a residence.

2. Fifty ~~One hundred~~ thousand dollars for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.

(c) All publicly accessible and disseminated information about the Solar Energy System Incentives Program shall include prominently displayed information regarding:

1. The amount of funds that remain to provide rebates for the approved applications, updated, at a minimum, on a monthly basis.

2. Information about the total number and dollar amount of approved and funded solar rebate applications, updated, at a minimum, on a monthly basis.

3. A statement that no more applications for solar rebates are accepted once funds are depleted.

(d) Beginning January 1, 2011, each electric utility that owns, maintains, or operates an electric generation, transmission, or distribution system in the state shall include the following on each residential, commercial, and industrial electric utility customer's monthly electric bill to provide the revenues for the Solar Energy System Incentives Program:

1. The following option boxes:

a. A check box for a voluntary contribution of $1.

b. A check box for a voluntary contribution of $5.

c. A check box for a voluntary contribution of $10.

2. The following statement: "Your voluntary contribution supports Florida's Solar Energy System Incentives Program to help offset the cost of solar panel installation for you, your neighbors, and other Florida residents and business owners. Thank you for helping Florida truly become the 'Sunshine State.'"

(e) Voluntary contributions shall be added by the electric utility customer to the amount of his or her monthly utility charges and the total shall be remitted to the electric utility.

(f) The electric utility shall collect and transmit the voluntary contributions into the Solar Energy System Incentives Program quarterly.

(g) The Florida Energy and Climate Commission shall establish a direct-support organization to provide assistance, funding, and support for carrying out the Solar Energy System Incentives Program. The Florida Energy and Climate Commission shall establish administrative rules and reporting requirements for the operation of the direct-support organization, including oversight of and procedures for the electric utilities' administration, collection, and transmission procedures of customers' voluntary contributions.

T I T L E A M E N D M E N T

Between lines 5 and 6, insert:

providing legislative findings; amending s. 377.806, F.S.; revising the expiration date for the Solar Energy System Incentives Program; extending the period of time for which residents of the state are eligible to receive rebates for specified solar energy systems; revising the rebate amount for eligible solar energy systems; providing for public dissemination of certain information about the program; requiring electric utilities to include certain information in customers' monthly electric bills, collect voluntary contributions from customers for the program, and remit the contributions to the program; requiring the Florida Energy and Climate Commission to adopt rules and to establish a direct-support organization for administration of the program;

Rep. Rehwinkel Vasilinda moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption.

Representative Troutman offered the following:

(Amendment Bar Code: 221963)

Amendment 5 (with directory and title amendments)—Between lines 224 and 225, insert:

(d) "Renewable energy" means electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations and electrical energy produced using pipeline-quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration.

D I R E C T O R Y A M E N D M E N T

Remove line 203 and insert:

Section 4. Subsection (1) and paragraphs (a) and (d) of subsection

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T I T L E A M E N D M E N T

Remove lines 10-27 and insert:

the definitions of the terms "biomass" and "renewable energy"; amending s. 366.92, F.S.; deleting the legislative intent provisions; deleting and revising definitions; deleting provisions for the renewable portfolio standard and renewable energy credits; providing a mechanism for providers to recover costs to produce or purchase specified amounts of renewable energy through the environmental cost-recovery clause under certain conditions; requiring providers to include specified information related to renewable energy development in a certain report; authorizing a developer of solar energy generation to locate a solar energy generation facility on the premises of a host consumer under certain circumstances; requiring the commission to adopt rules and submit reports to the Legislature; establishing the Agriculture and Clean Energy Economic Development Pilot Project; providing that certain electric energy be considered renewable energy under the pilot project; amending s. 403.44,

Rep. Troutman moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative Rehwinkel Vasilinda offered the following:

(Amendment Bar Code: 609813)

Amendment 6 (with directory and title amendments)—Between lines 224 and 225, insert:

(2)~~(3)~~ On or before January 1, 2006, each public utility must continuously offer a purchase contract to producers of renewable energy. The commission shall establish requirements relating to the purchase of capacity and energy by public utilities from renewable energy producers and may adopt rules to administer this section. The contract shall contain payment provisions for energy and capacity which are based upon the utility's equivalent cost-recovery rate for projects constructed pursuant to s. 366.92(2) ~~full avoided costs, as defined in s. 366.051~~; however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years. Prudent and reasonable costs associated with a renewable energy contract shall be recovered from the ratepayers of the contracting utility, without differentiation among customer classes, through the appropriate cost-recovery clause mechanism administered by the commission.

Section 5. (1) The Legislature finds that there is a need for a funding mechanism to support and finance a comprehensive energy policy, especially as it relates to sustainable and renewable energy, energy conservation, and energy efficiencies. With such a stable funding mechanism, this state will realize important long-term goals, including:

(a) Increased independence from foreign oil;

(b) Ensuring an adequate and reliable energy supply;

(c) The promotion of economic growth and new investment in the creation of high-paying jobs;

(d) The mitigation of adverse environmental impacts and the promotion of stewardship of the environment;

(e) Leading the nation in energy conservation and energy efficiencies through needed support for implementing and marketing the products of renewable energy research and innovation; and

(f) Contributing to a sustainable and renewable energy policy for the state.

(2) As used in this section, the term:

(a) "Direct-support organization" means an organization that is:

1. A Florida corporation, not for profit, incorporated under chapter 617, Florida Statutes, and approved by the Department of State;

2. Organized and operated exclusively to obtain funds; to request and receive grants, gifts, and bequests of moneys; to acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and to make expenditures to support the achievement of the goals stated under subsection (1) and to increase public awareness of and support for the Sustainable and Renewable Energy Trust Fund; and

3. Determined by the office to be operating in a manner consistent with the goals stated under subsection (1).

(b) "Electric utility" means any municipal electric utility, investor-owned electric utility, or rural electric cooperative that owns, maintains, or operates an electric generation, transmission, or distribution system within the state.

(c) "Energy conservation" and "energy efficiencies" mean any activity that facilitates and promotes the use of cost-effective energy conservation, energy-demand management, and renewable energy technologies.

(d) "Office" means the Florida Energy Office.

(e) "Renewable energy" means solar photovoltaic energy, solar thermal energy, geothermal energy, ocean thermal energy, wave or tidal energy, wind, fuel cells, landfill gas, hydrogen production and hydrogen conversion technologies, low-emission advanced biomass conversion technologies, alternative fuels used for electricity generation, including ethanol, biodiesel, or other fuel produced in this state and derived from agricultural produce, algae, food waste, or waste vegetable oil, usable electricity from combined heat and power systems that have waste heat recovery systems, thermal storage systems, and other energy resources and emerging technologies that have significant potential for commercialization and that do not involve the combustion of coal, petroleum or petroleum products, or nuclear fission.

(3) Beginning January 1, 2011, each electric utility shall collect from each residential, commercial, and industrial electric utility customer a monthly charge of 25 cents as a systems benefits charge. The electric utilities shall deposit the collected funds into the Sustainable and Renewable Energy Policy Trust Fund.

(4)(a) The Florida Energy Office shall establish a direct-support organization to provide assistance, funding, and support for the office in carrying out its mission. This section governs the creation, use, powers, and duties of the direct-support organization.

(b) The direct-support organization shall be governed by a board of directors. The board of directors shall consist of nine members, as follows:

1. The chair of the Florida Public Service Commission, or his or her designee.

2. The Secretary of Environmental Protection, or his or her designee.

3. Two members appointed by the Governor, both of whom are residential electric utility customers and one of whom has experience relating to low-income housing concerns.

4. Two members appointed by the President of the Senate, both of whom are members of the Senate and one of whom is a member of the minority party.

5. Two members appointed by the Speaker of the House of Representatives, both of whom are members of the House of Representatives and one of whom is a member of the minority party.

6. One member appointed by the Chief Financial Officer who has experience related to renewable energy business or commercial investments.

(c) The term of office of the board members shall be 3 years, except those members of the Senate and the House of Representatives, who shall serve 2-year terms concurrent with the 2-year elected terms of House members. The terms of the initial appointees, except those members of the Senate and the House of Representatives, shall be for 1 year, 2 years, or 3 years in order to achieve staggered terms. A member may be reappointed when his or her term expires. The head of the office or his or her designee shall serve as an ex officio member of the board of directors.

(d) Members must be residents of this state. A majority of the members must be actively involved with sustainable and renewable energy systems and highly knowledgeable about the office, its research, and its mission. A member may be removed by the Governor, the President of the Senate, the Speaker of the House of Representatives, or the Chief Financial Officer for cause and with the approval of a majority of the members of the board of directors. A vacancy shall be filled in the same manner as the initial appointment.

(e) The direct-support organization shall operate under a written contract with the office. The written contract must provide for:

1. Certification by the office that the direct-support organization is complying with the terms of the contract and is doing so consistent with the goals and purposes of the department and in the best interests of the state. This certification must be made annually and reported in the official minutes of a meeting of the direct-support organization.

2. The reversion of moneys and property held by the direct-support organization:

a. To the office, if the direct-support organization is no longer approved to operate for the office or if the direct support organization ceases to exist; or

b. To the state, if the office ceases to exist.

3. The disclosure of the material provisions of the contract and the distinction between the office and the direct-support organization to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications.

(f)1. The office may permit the use of its property, facilities, and personal services by the direct-support organization, subject to this section.

2. The office may prescribe by contract any condition with which the direct-support organization must comply in order to use property, facilities, or personal services of the office.

3. The office may not permit the use of its property, facilities, or personal services by any direct-support organization organized under this section which does not provide equal employment opportunities to all persons regardless of race, color, national origin, gender, age, or religion.

(g) Any transaction or agreement between the direct-support organization created by this section and another direct-support organization or other entity must be approved by the Governor.

(h) All moneys received by the direct-support organization from federal and state grants, private contributions, and the Sustainable and Renewable Energy Policy Trust Fund shall be deposited into an account of the direct-support organization. The direct-support organization shall use the collected charges to support funding for sustainable and renewable energy projects, including, but not limited to, grants to provide funding in the following order of priority:

1. Any backlog of approved rebate applications for the Solar Energy Systems Incentive Program.

2. The implementation of innovation to market projects, with specific attention directed toward the number of in-state jobs created.

3. Energy conservation and energy efficiency projects, with specific attention directed to projects for low-income housing, including rental units, rental homes, condominiums, and single-family homes.

(i)1. The fiscal year of the direct-support organization shall begin on July 1 of each year and end on June 30 of the following year.

2. The direct-support organization shall submit to the office its federal Internal Revenue Service Application for Recognition of Exemption form and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form.

(j) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981, Florida Statutes.

Section 6. Subsection (1) and paragraph (b) of subsection (2) of section 377.806, Florida Statutes, are amended to read:

377.806 Solar Energy System Incentives Program.—

(1) PURPOSE.—The Solar Energy System Incentives Program is established within the commission to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2015 ~~2010~~, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.—

(b) Rebate amounts.—The rebate amount shall be set at $2.50 ~~$4~~ per watt for the first year, $2 per watt for the second and third years, and $1.50 per watt for each subsequent year, based on the total wattage rating of the system. The maximum allowable rebate per solar photovoltaic system installation shall be as follows:

1. Twenty thousand dollars for a residence.

2. One hundred thousand dollars for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.

D I R E C T O R Y A M E N D M E N T

Remove lines 203-206 and insert:

Section 4. Subsections (2) through (8) of section 366.91, Florida Statutes, are renumbered as subsections (1) through (7), respectively, and present subsection (1), paragraph (a) of present subsection (2), and present subsection (3) of that section are amended to read:

T I T L E A M E N D M E N T

Remove lines 10-27 and insert:

the definition of the term "biomass"; requiring that a purchase contract offered to producers of renewable energy contain payment provisions for energy and capacity based upon a public utility's equivalent cost-recovery rate for certain clean energy projects rather than the utility's full avoided costs; providing legislative findings; providing definitions; requiring each electric utility in the state to collect from each residential, commercial, and industrial customer a designated monthly systems charge; requiring the electric utilities to deposit collected funds into the Sustainable and Renewable Energy Policy Trust Fund; creating a direct-support organization for the Florida Energy Office; providing for a board of directors of the direct-support organization; providing for appointment of members and terms of office; requiring a contract between the office and the direct-support organization; providing for the use of the deposited funds; requiring an annual audit; amending s. 377.806, F.S.; revising the expiration date for the Solar Energy System Incentives Program; extending the period of time for which residents of the state are eligible to receive rebates for specified solar energy systems; revising the rebate amount for eligible solar energy systems; providing a schedule for rebate amounts based on the total wattage of the system; amending s. 366.92, F.S.; deleting the legislative intent provisions; deleting and revising definitions; deleting provisions for the renewable portfolio standard and renewable energy credits; providing a mechanism for providers to recover costs to produce or purchase specified amounts of renewable energy through the environmental cost-recovery clause under certain conditions; requiring providers to include specified information related to renewable energy development in a certain report; authorizing a developer of solar energy generation to locate a solar energy generation facility on the premises of a host consumer under certain circumstances; requiring the commission to adopt rules and submit reports to the Legislature; establishing the Agriculture and Clean Energy Economic Development Pilot Project; providing that certain electric energy be considered renewable energy under the pilot project; amending s. 403.44,

Rep. Rehwinkel Vasilinda moved the adoption of the amendment.

Point of Order

Rep. McKeel raised a point of order, under Rule 12.9(c), that the amendment was out of order because it was the principal substance of HB 1267, a bill that had not been reported favorably by at least one council or committee of reference.

The Chair [Speaker Cretul] referred the point to Rep. Galvano, Chair of the Rules & Calendar Council, for a recommendation.

Rep. Galvano, Chair of the Rules & Calendar Council, in speaking to the point of order on Amendment 6 to CS/HB 7229, recommended that the point be well taken.

The Chair [Speaker Cretul], upon the recommendation of Rep. Galvano, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment out of order.

Representative Gibbons offered the following:

(Amendment Bar Code: 684539)

Amendment 7 (with directory and title amendments)—Between lines 224 and 225, insert:

(2)~~(3)~~ On or before July 1, 2020 ~~January 1, 2006~~, each public utility must generate at least 5 percent of its total energy production exclusively from renewable energy sources. For purposes of this subsection, the term "total energy production" means all energy produced for distribution by a public utility within 1 year. Each public utility must continuously offer a purchase contract to producers of renewable energy. The commission shall establish requirements relating to the purchase of capacity and energy by public utilities from renewable energy producers and may adopt rules to administer this section. The contract shall contain payment provisions for energy and capacity which are based upon the utility's full avoided costs, as defined in s. 366.051; however, capacity payments are not required if, due to the operational characteristics of the renewable energy generator or the anticipated peak and off-peak availability and capacity factor of the utility's avoided unit, the producer is unlikely to provide any capacity value to the utility or the electric grid during the contract term. Each contract must provide a contract term of at least 10 years. Prudent and reasonable costs associated with a renewable energy contract shall be recovered from the ratepayers of the contracting utility, without differentiation among customer classes, through the appropriate cost-recovery clause mechanism administered by the commission.

D I R E C T O R Y A M E N D M E N T

Remove lines 203-206 and insert:

Section 4. Subsections (2) through (8) of section 366.91, Florida Statutes, are renumbered as subsections (1) through (7), respectively, and present subsection (1), paragraph (a) of present subsection (2), and present subsection (3) of that section are amended to read:

T I T L E A M E N D M E N T

Remove line 10 and insert:

the definition of the term "biomass"; requiring public utilities to generate a specified percentage of their total energy production from renewable energy sources; defining the term "total energy production"; amending s. 366.92,

Rep. Gibbons moved the adoption of the amendment, which failed to receive the required two-thirds vote for adoption. The vote was:

Session Vote Sequence: 998

Speaker Cretul in the Chair.

Yeas—40

Abruzzo	Cruz	Long	Sands
Anderson	Fitzgerald	Pafford	Saunders
Bembry	Garcia	Porth	Skidmore
Bernard	Gibbons	Rader	Soto
Brandenburg	Gibson	Randolph	Steinberg
Braynon	Heller	Reed	Taylor
Brisé	Jenne	Rehwinkel Vasilinda	Thompson, G.
Bush	Jones	Roberson, Y.	Thurston
Chestnut	Kiar	Rogers	Waldman
Clarke-Reed	Kriseman	Sachs	Williams, A.

Nays—70

Adams	Frishe	Llorente	Robaina
Adkins	Gaetz	Lopez-Cantera	Roberson, K.
Ambler	Galvano	Mayfield	Schenck
Bovo	Glorioso	McBurney	Schultz
Burgin	Gonzalez	McKeel	Snyder
Cannon	Grady	Murzin	Stargel
Carroll	Grimsley	Nehr	Thompson, N.
Coley	Hasner	Nelson	Tobia
Cretul	Hays	O'Toole	Troutman
Crisafulli	Holder	Patterson	Van Zant
Culp	Homan	Plakon	Weatherford
Domino	Hooper	Planas	Weinstein
Dorworth	Horner	Poppell	Williams, T.
Drake	Hudson	Precourt	Wood
Eisnaugle	Hukill	Proctor	Workman
Evers	Kelly	Ray	Zapata
Ford	Kreegel	Reagan	
Fresen	Legg	Renuart	

Votes after roll call:

Yeas—Schwartz

Nays—Aubuchon, Bullard

Representatives McKeel and Precourt offered the following:

(Amendment Bar Code: 380067)

Amendment 8—Remove lines 344-433 and insert:

(a) A provider may petition the commission through July 1, 2015, for recovery of costs to produce or purchase renewable energy, subject to the cost cap in paragraph (c). The provider has sole discretion to determine the type and technology of the renewable energy resource that it intends to use. However, at least 20 percent of the total nameplate capacity for which a provider is permitted to recover costs in any calendar year under this subsection must be produced or purchased from renewable energy resources other than solar energy. In addition, at least 5 percent of the total energy produced from solar energy resources for which a provider is permitted to recover costs in any calendar year under this subsection must be from customer-owned renewable generation as defined in s. 366.91 from facilities that do not exceed 2 megawatts in capacity. A provider must file with the commission, no later than when the provider files a petition for cost recovery under this subsection, a schedule of planned production and purchases for the calendar year in which cost recovery is requested. If any portion of the capacity required from nonsolar renewable energy resources is committed but, for reasons found by the commission to be beyond the control of the provider, is not available during the calendar year for which cost recovery is requested, the provider may continue to recover costs to produce or purchase renewable energy from solar energy resources if the provider continues in good faith to pursue the production or purchase of renewable energy from nonsolar resources. The provider has sole discretion to determine whether to construct new renewable energy generating facilities, convert existing fossil fuel generating facilities to renewable energy generating facilities, or contract for the purchase of renewable energy from third-party generating facilities in the state.

(b) In addition to the full cost recovery for such renewable energy projects, a return on equity of at least 50 basis points above the top of the range of the provider's last authorized rate of return on equity approved by the commission for energy projects shall be approved and provided for such renewable energy

projects if a majority value of the energy-producing components incorporated into such projects are manufactured or assembled in the state.

(c) For the production or purchase of renewable energy under this subsection, a provider may recover costs up to and in excess of its full avoided cost, as defined in s. 366.051 and approved by the commission, if the recovery of costs in excess of the provider's full avoided cost does not exceed, at any time, 2 percent of the provider's total revenues from the retail sale of electricity for calendar year 2009. For purposes of cost recovery under this subsection, costs shall be computed using a methodology that, for a renewable energy generating facility, averages the revenue requirements of the facility over its economic life and, for a renewable energy purchase, averages the revenue requirements of the purchase over the life of the contract.

(d) Cost recovery under this subsection is limited to new construction or conversion projects for which construction is commenced on or after July 1, 2010, and to purchases made on or after that date. To be eligible for cost recovery under this subsection, combustion technologies must demonstrate overall thermal efficiencies of more than 33 percent. All renewable energy projects for which costs are approved by the commission for recovery through the environmental cost recovery clause before July 1, 2010, are not subject to or included in the calculation of the cost cap.

(e) The costs incurred by a provider to produce or purchase renewable energy under this subsection are deemed to be prudent for purposes of cost recovery if the provider uses reasonable and customary industry practices in the design, procurement, and construction of the project in a cost-effective manner for the type of renewable energy resource and appropriate to the location of the facility. Costs incurred by a provider to construct a new facility for the production of renewable energy under this subsection are deemed prudent for purposes of cost recovery if the life-cycle cost of the new facility does not exceed 75 percent of the life-cycle cost of any facility of the same type and technology that has been constructed by a nongovernmental entity in the state in the 24 months preceding the filing of a petition under this subsection.

(f) Subject to the cost cap in paragraph (c), the commission shall allow a provider to recover the costs associated with the production or purchase of renewable energy under this subsection as follows:

1. For new renewable energy generating facilities, the commission shall allow recovery of reasonable and prudent costs, including, but not limited to, the siting, licensing, engineering, design, permitting, construction, operation, and maintenance of such facilities, including any applicable taxes and a return based on the provider's last authorized rate of return.

2. For conversion of existing fossil fuel generating facilities to renewable energy generating facilities, the commission shall allow recovery of reasonable and prudent conversion costs, including the costs of retirement of the fossil fuel plant that exceed any amounts accrued by the provider for such purposes through rates previously set by the commission.

3. For purchase of renewable energy from third-party generating facilities in the state, the commission shall allow recovery of reasonable and prudent costs associated with the purchase. Any petition for approval of a purchased power agreement for renewable energy that is filed with the commission before April 2, 2010, and remains pending on the effective date of this act shall be considered by the commission to have been filed in accordance with, and shall be subject to the provisions of, this subsection, except that, before January 1, 2011, the provider is not required to file with the commission a schedule of planned production and purchases pursuant to paragraph (a).

Rep. McKeel moved the adoption of the amendment.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the adoption of **Amendment 8**, which was adopted by the required two-thirds vote.

Representative Gibbons offered the following:

(Amendment Bar Code: 070383)

Amendment 9—Remove lines 346-451 and insert:

cost cap in paragraph (d). The provider has sole discretion to determine the type and technology of the renewable energy resource that it intends to use. However, at least 20 percent of the total nameplate capacity for which a provider is permitted to recover costs in any calendar year under this subsection must be produced or purchased from renewable energy sources other than solar energy. No later than when a provider files a petition for cost recovery under this subsection, the provider must file with the commission a schedule of planned production and purchases for the calendar year in which cost recovery is requested. If any portion of the capacity required from nonsolar renewable energy resources is committed but, for reasons found by the commission to be beyond the control of the provider, is not available during the calendar year for which cost recovery is requested, the provider may continue to recover costs to produce or purchase renewable energy from solar energy resources if the provider continues in good faith to pursue the production or purchase of renewable energy from nonsolar resources. The provider has sole discretion to determine whether to construct new renewable energy generating facilities, convert existing fossil fuel generating facilities to renewable energy generating facilities, or contract for the purchase of renewable energy from third-party generating facilities in the state.

(b) In addition to the full cost recovery for such renewable energy projects, a return on equity of at least 50 basis points above the top of the range of the provider's last authorized rate of return on equity approved by the commission for energy projects shall be approved and provided for such renewable energy projects if a majority value of the energy-producing components incorporated into such projects are manufactured or assembled in the state.

(c) In addition to the full cost recovery for such renewable energy projects, a return on equity of at least 75 basis points above the top of the range of the provider's last authorized rate of return on equity approved by the commission for energy purchased from third-party generating facilities in the state that are not regulated utilities or their unregulated affiliates shall be approved for energy produced from small-scale renewable energy generation systems that do not exceed 2 megawatts in size.

(d) For the production or purchase of renewable energy under this subsection, a provider may recover costs up to and in excess of its full avoided cost, as defined in s. 366.051 and approved by the commission, if the recovery of costs in excess of the provider's full avoided cost does not exceed, as a percentage of the provider's total revenues from the retail sale of electricity for calendar year 2009, the total cumulative amount of 2 percent in calendar years 2010 and 2011, the total cumulative amount of 3 percent in calendar year 2012, and the total cumulative amount of 4 percent in calendar year 2013 and thereafter. For purposes of cost recovery under this subsection, costs shall be computed using a methodology that, for a renewable energy generating facility, averages the revenue requirements of the facility over its economic life and, for a renewable energy purchase, averages the revenue requirements of the purchase over the life of the contract.

(e) Cost recovery under this subsection is limited to new construction or conversion projects for which construction is commenced on or after July 1, 2010, and to purchases made on or after that date. All renewable energy projects for which costs are approved by the commission for recovery through the environmental cost recovery clause before July 1, 2010, are not subject to or included in the calculation of the cost cap.

(f) The costs incurred by a provider to produce or purchase renewable energy under this subsection are deemed to be prudent for purposes of cost recovery if the provider uses reasonable and customary industry practices in the design, procurement, and construction of the project in a cost-effective manner for the type of renewable energy resource and appropriate to the location of the facility.

(g) Subject to the cost cap in paragraph (d), the commission shall allow a provider to recover the costs associated with the production or purchase of renewable energy under this subsection as follows:

1. For new renewable energy generating facilities, the commission shall allow recovery of reasonable and prudent costs, including, but not limited to, the siting, licensing, engineering, design, permitting, construction, operation, and maintenance of such facilities, including any applicable taxes and a return based on the provider's last authorized rate of return.

2. For conversion of existing fossil fuel generating facilities to renewable energy generating facilities, the commission shall allow recovery of

reasonable and prudent conversion costs, including the costs of retirement of the fossil fuel plant that exceed any amounts accrued by the provider for such purposes through rates previously set by the commission.

3. For purchase of renewable energy from third-party generating facilities in the state, the commission shall allow recovery of reasonable and prudent costs associated with the purchase. Any petition for approval of a purchased power agreement for renewable energy that is filed with the commission before April 2, 2010, and remains pending on July 1, 2010, shall be considered by the commission to have been filed in accordance with, and shall be subject to the provisions of, this subsection.

(h) In a proceeding to recover costs incurred under this subsection, a provider must provide the commission all cost information, hourly energy production information, and other information deemed relevant by the commission with respect to each project.

(i) When a provider purchases renewable energy under this subsection at a cost in excess of its full avoided cost, the seller must surrender to the provider all renewable attributes of the renewable energy purchased.

(j) Revenues derived from any renewable energy credit, carbon credit, or other mechanism that attributes value to the production of renewable energy, either existing or hereafter devised, received by a provider by virtue of the production or purchase of renewable energy for which cost recovery is approved under this subsection shall be shared with the provider's ratepayers such that the ratepayers are credited at least 75 percent of such revenues.

(k) Section 403.519 does not apply to a renewable energy

Rep. Gibbons moved the adoption of the amendment. Subsequently, **Amendment 9** was withdrawn.

Representative Gibbons offered the following:

(Amendment Bar Code: 536379)

Amendment 10—Remove line 450 and insert:
percent of such revenues. However, the provider is not required to share with its ratepayers any value derived from credits received by the provider by virtue of the purchase of renewable energy from a third-party generating facility in the state that does not exceed 2 megawatts in capacity and that is not a regulated utility or its unregulated affiliate.

Rep. Gibbons moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative Williams, T. offered the following:

(Amendment Bar Code: 539245)

Amendment 11 (with title amendment)—Remove lines 479-489 and insert:

(6) In order to further promote renewable energy, any expansion of an existing renewable energy electric generating facility, subject to a total of up to 200 net megawatts statewide, for which a site certification application is filed before January 1, 2011, and which is owned by a local government entity, does not require a determination of need pursuant to s. 403.519.

(7) There is created the Agriculture and Clean Energy Economic Development Pilot Project. In order to promote economic development in the agriculture community by demonstrating the viability of clean energy farming, any energy purchased by a municipal electric utility or a rural electric cooperative from a new electric generating facility with a minimum system efficiency of 75 percent that utilizes waste heat and carbon for the purpose of growing agriculture in greenhouse facilities shall be considered renewable energy for up to 65 megawatts for a single pilot project.

(8)~~(7)~~ The commission may adopt rules to administer and

T I T L E A M E N D M E N T

Remove lines 10-27 and insert:
the definition of the term "biomass"; amending s. 366.92, F.S.; deleting the legislative intent provisions; deleting and revising definitions; deleting provisions for the renewable portfolio standard and renewable energy credits; providing a mechanism for providers to recover costs to produce or purchase specified amounts of renewable energy through the environmental cost-recovery clause under certain conditions; requiring providers to include specified information related to renewable energy development in a certain report; authorizing a developer of solar energy generation to locate a solar energy generation facility on the premises of a host consumer under certain circumstances; requiring the commission to adopt rules and submit reports to the Legislature; exempting the expansion of existing renewable energy electric generating facilities from requirements for a determination of need under certain circumstances; establishing the Agriculture and Clean Energy Economic Development Pilot Project; providing that certain electric energy be considered renewable energy under the pilot project; amending s. 403.44,

Rep. T. Williams moved the adoption of the amendment.

On motion by Rep. Troutman, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Troutman offered the following:

(Amendment Bar Code: 621639)

Amendment 1 to Amendment 11—Remove lines 15-16 and insert:
viability of clean energy farming, any energy provided or purchased by an electric utility as defined in s. 366.02(2) from

Rep. Troutman moved the adoption of the amendment to the amendment. Subsequently, **Amendment 1 to Amendment 11** was withdrawn.

The question recurred on the adoption of **Amendment 11**, which was adopted by the required two-thirds vote.

Representative Holder offered the following:

(Amendment Bar Code: 263881)

Amendment 12 (with title amendment)—Between lines 1513 and 1514, insert:

Section 22. (1) The Legislature finds that the ability of the pilot communities designated under the Energy Economic Zone Pilot Program pursuant to s. 377.809, Florida Statutes, to provide incentives is essential to these communities attracting clean technology industries and investments to the state and establishing the base information necessary to assess whether to revise state policies and expand the pilot program to other communities.

(2) By February 1, 2011, the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development, in consultation with the Florida Energy and Climate Commission, shall submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives of appropriate incentives and statutory revisions necessary to provide the pilot communities with the tools for accomplishing the goals of the pilot program. In developing their recommendations, the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development, at a minimum, shall consider:

(a) Fiscal and regulatory incentives.

(b) A jobs tax credit and corporate property tax credit pursuant to chapter 220, Florida Statutes.

(c) Refunds and exemptions from the sales and use tax in chapter 212, Florida Statutes, for job creation, building materials, business property, and products used for clean technology industries and investments within the designated energy economic zones.

(3) The Department of Community Affairs and the Office of Tourism, Trade, and Economic Development shall also coordinate with the pilot communities and clean technology industries in identifying incentives and strategies that will help attract emerging clean technology industries and investments to the state.

T I T L E A M E N D M E N T

Between lines 58 and 59, insert:

providing legislative findings; requiring the Department of Community Affairs and the Office of Tourism, Trade, and Economic Development, in consultation with the Florida Energy and Climate Commission, to submit recommendations to the Governor and Legislature relating to the Energy Economic Zone Pilot Program; requiring coordination with the pilot communities and clean technology industries in identifying certain incentives and strategies;

Rep. Holder moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative Precourt offered the following:

(Amendment Bar Code: 407487)

Amendment 13 (with title amendment)—Remove line 1520 and insert:

Section 23. The Division of Statutory Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in the underlined additions provided in this act with the date this act becomes a law.

Section 24. This act shall take effect upon becoming a law.

T I T L E A M E N D M E N T

Remove line 59 and insert:

providing for severability; providing a directive to the Division of Statutory Revision; providing an effective date.

Rep. Precourt moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 999].

THE SPEAKER IN THE CHAIR

Further consideration of **CS/HB 7229** was temporarily postponed.

Special Orders

CS for CS for CS for SB 846—A bill to be entitled An act relating to residential fire sprinkler requirements; amending s. 553.73, F.S.; prohibiting incorporation into the Florida Building Code certain mandatory residential fire sprinkler provisions of the International Residential Code; providing an exception; amending s. 633.025, F.S.; prohibiting the requirement of property owners to install fire sprinklers in residential properties based on the use of that property as a rental property or any change in or reclassification of the property's primary use to a rental property; providing an effective date.

—was read the second time by title.

On motion by Rep. Schenck, the rules were waived and CS for CS for CS for SB 846 was substituted for CS/HB 7095. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 982—A bill to be entitled An act relating to underground facility damage prevention and safety; amending s. 556.101, F.S.; prohibiting municipalities, counties, districts, and other local governments from enacting ordinances or rules that conflict with ch. 556, F.S.; amending s. 556.103, F.S.; requiring that the board of directors of Sunshine State One-Call of Florida, Inc., present to the Governor and Legislature an annual report that includes a summary of reports issued by the clerks of court; amending s. 556.105, F.S.; requiring that an excavator provide the Sunshine State One-Call of Florida, Inc., system with certain specified information not less than 10 full business days before beginning an excavation or demolition beneath the waters of the state; prohibiting the use of such information by member operators for sales or marketing purposes; deleting obsolete provisions; removing provisions requiring the premarking of certain proposed excavation sites; requiring a mutually agreed excavation plan for high-priority excavations; amending s. 556.106, F.S.; removing redundant provisions that provide a limited waiver of sovereign immunity for the state and its agencies and subdivisions arising from matters involving underground facilities; amending s. 556.107, F.S.; providing increased penalties for noncriminal infractions of the Sunshine State One-Call of Florida, Inc., system; requiring each clerk of court to submit a report to Sunshine State One-Call of Florida, Inc., by a specified date listing each violation that has been filed in the county during the preceding calendar year; amending s. 556.109, F.S.; specifying circumstances under which an excavator shall not notify the Sunshine State One-Call of Florida, Inc., system that there is an emergency; amending s. 556.110, F.S.; deleting a provision that limits assessments against a member operator who receives fewer than 10 notifications in any month; creating s. 556.114, F.S.; providing requirements for low-impact marking practices; providing procedures and methods to mark areas of excavation; requiring Sunshine State One-Call of Florida, Inc., to establish an educational program for the purpose of informing excavators and member operators about low-impact marking practices; creating s. 556.115, F.S.; requiring Sunshine State One-Call of Florida, Inc., to create a voluntary alternative dispute resolution program that is open to all member operators, excavators, and other stakeholders; requiring the voluntary users of the alternative dispute resolution program to choose the form of alternative dispute resolution to be used; requiring that the costs of using the voluntary program be borne by the users; providing that unless binding arbitration is the chosen method of alternative dispute resolution, the users or any one of such users may end the process at any time and proceed in a court of competent jurisdiction or before the Division of Administrative Hearings; creating s. 556.116, F.S.; defining the terms "high-priority subsurface installations" and "incident"; providing that if an excavation is proposed within 15 feet of a high-priority subsurface installation and is identified as such by the facility operator, the facility operator must notify the excavator of the existence of the high-priority subsurface installation and mark its location before excavation may begin; requiring an excavator to notify the operator of the excavation start time in the vicinity of a high-priority subsurface installation; providing that an alleged infraction that results in an incident must be reported to the system by an operator or an excavator; providing that the system shall transmit incident reports to the Division of Administrative Hearings; providing that the system and the division may contract for the division to conduct proceedings; providing that the division has jurisdiction to determine the facts and law concerning an alleged incident; authorizing the division to impose a fine on a violator if the violation was a proximate cause of the incident; providing procedures, venue, and standard of proof; providing an effective date.

—was read the second time by title.

On motion by Rep. Murzin, CS for CS for SB 982 was substituted for CS/HB 691. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 1118—A bill to be entitled An act relating to docks; amending s. 258.42, F.S.; authorizing the placement of roofs on certain residential single-family docks; amending s. 403.061, F.S.; authorizing the Department of Environmental Protection to adopt rules that include special criteria for approving certain docking facilities in shellfish harvesting waters; deleting an obsolete provision; authorizing the department to maintain a list of projects or activities for applicants to consider when developing proposals in order to meet mitigation or public interest requirements; directing the department to expand online self-certification for certain exemptions and general permits and to report on such activities to the Legislature; prohibiting local governments from specifying the method or form for documenting that a

project meets specified requirements; amending s. 403.813, F.S.; clarifying provisions relating to permits issued at district centers to authorize the use of different construction materials or minor deviations when replacing or repairing docks and piers; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study and submit a report to the Board of Trustees of the Internal Improvement Trust Fund and the Legislature on the effects of regulation relating to submerged lands on private, residential multifamily docks or piers; providing an effective date.

—was read the second time by title.

On motion by Rep. Patronis, CS for SB 1118 was substituted for CS/CS/CS/HB 1239. Under Rule 5.13, the House bill was laid on the table.

Representative Patronis offered the following:

(Amendment Bar Code: 194399)

Amendment 1 (with title amendment)—Remove lines 156-175

T I T L E A M E N D M E N T

Remove lines 22-28 and insert:
repairing docks and piers; providing an effective date.

Rep. Patronis moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 1136—A bill to be entitled An act relating to firesafety inspections; amending s. 633.081, F.S.; providing exceptions to certain local government firesafety inspection requirements; amending s. 633.082, F.S.; specifying inspection requirements for fire hydrants owned by governmental entities; authorizing local government utilities to comply using designated employees; specifying responsibility for ensuring the qualification of designated employees to make inspections; providing an effective date.

—was read the second time by title.

On motion by Rep. Burgin, SB 1136 was substituted for HB 629. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Proctor, **CS for CS for SB 2044** was temporarily postponed.

CS for SB 2046—A bill to be entitled An act relating to employee leasing companies; amending s. 468.5245, F.S.; deleting the requirement that an employee leasing company obtain approval of the Board of Employee Leasing Companies before changing the name or location of a company; providing that board approval is not required before the purchase or acquisition of a company if a controlling person in the company is licensed; deleting provisions requiring board approval prior to existing stockholder or partners of a company acquiring control of a company; amending s. 468.528, F.S.; providing that failure to timely pay a license renewal fee subjects the licensee to disciplinary action; providing an effective date.

—was read the second time by title.

On motion by Rep. Murzin, the rules were waived and CS for SB 2046 was substituted for HB 7241. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 1150 was temporarily postponed.

CS for CS for SB 1152—A bill to be entitled An act relating to the Florida Funeral, Cemetery, and Consumer Services Act; amending s. 497.005, F.S.; defining the terms "direct supervision" and "general supervision" as they relate to supervision by funeral directors and embalmers; expanding the definition of the term "legally authorized person" to include certain persons designated by a decedent pursuant to certain types of authority; amending s. 497.101, F.S.; revising qualifications for the membership of the Board of Funeral, Cemetery, and Consumer Services; amending s. 497.103, F.S.; authorizing the waiver of certain provisions during a state of emergency; amending s. 497.140, F.S.; authorizing fees for certain inspections of licensees; amending s. 497.141, F.S.; prohibiting the issuance or renewal of a license to an applicant that has specified criminal records under certain circumstances; authorizing a licensing authority of the Department of Financial Services to adopt rules; authorizing the licensing authority to require the submission of applications in an online electronic format; authorizing fees for applications submitted in a paper format; amending s. 497.142, F.S.; requiring an applicant for renewal of a license to disclose certain criminal offenses; requiring an applicant for issuance or renewal of a license to disclose certain criminal pleas; requiring the licensing authority to adopt rules for the disclosure of criminal records; authorizing an exception from disclosure requirements for previously disclosed criminal records; amending s. 497.143, F.S.; revising legislative intent; authorizing the licensing authority to adopt rules for the issuance of limited licenses to certain persons licensed outside the state; revising eligibility and application requirements for a limited license; amending s. 497.147, F.S.; deleting limits on the continuing education credit provided for attendance at board meetings; amending s. 497.152, F.S.; providing that certain criminal pleas are a ground for denial of an application or discipline of a licensee under ch. 497, F.S.; amending s. 497.161, F.S.; authorizing the department to adopt rules that temporarily suspend or modify certain provisions during and following a state of emergency; amending s. 497.162, F.S.; revising which nonlicensed personnel are required to complete a course on communicable diseases; extending the time for completion of the course; amending s. 497.166, F.S.; conforming terminology to changes made by the act; amending s. 497.277, F.S.; authorizing a cemetery company to charge a fee for performing specified duties related to certain cemetery sales contracts; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; authorizing the department to adopt rules; amending s. 497.278, F.S.; authorizing a cemetery company to require certain persons and firms to show proof of certain insurance coverage; prohibiting a cemetery company from setting certain insurance coverage limits; amending s. 497.365, F.S.; prohibiting the embalming of human remains except by certain licensees; amending s. 497.372, F.S.; revising certain functions construed to be the practice of funeral directing; prohibiting a funeral director from engaging in the practice of funeral directing except under certain circumstances; providing an exception; requiring that the Board of Funeral, Cemetery, and Consumer Services adopt rules; providing that certain provisions of state law do not prohibit a funeral director from being designated the licensed funeral director in charge of a cineration facility; revising the acts that are exempt from regulation as the practice of funeral directing; amending s. 497.373, F.S.; revising the educational and examination requirements for licensure of funeral directors by examination; revising requirements for the supervision of provisional licensees; amending s. 497.374, F.S.; revising the examination requirements for licensure of funeral directors by endorsement; amending s. 497.375, F.S.; establishing educational requirements for funeral director intern licenses; revising the application requirements for funeral director intern licensees; revising requirements for the supervision of funeral director interns; providing for the expiration of funeral director intern licenses; prohibiting the renewal of funeral director intern licenses except under certain circumstances; authorizing rules for the renewal of funeral director intern licenses; providing for license renewal fees; amending s. 497.376, F.S.; deleting provisions requiring rules for the display of certain licenses; amending s. 497.378, F.S.; conforming the continuing education requirements for funeral directors and embalmers to the repeal by the act of provisions requiring a course on HIV and AIDS; authorizing the licensing

authority to adopt rules for the renewal of funeral director and embalmer licenses; amending s. 497.380, F.S.; providing duties of a funeral director in charge of a funeral establishment; requiring a funeral director in charge to have an embalmer license and providing exceptions; requiring the reporting of a change in the funeral director in charge of a funeral establishment; requiring certain licensees to display their licenses in funeral establishments; creating s. 497.4555, F.S.; authorizing a preneed licensee to charge a fee for performing certain duties related to a preneed contract; requiring disclosure of the charges; exempting charges from certain trust deposit requirements; authorizing the department to adopt rules; amending s. 497.456, F.S.; authorizing requirements that certain claims forms be sworn and notarized; amending s. 497.464, F.S.; deleting a requirement that trust payments for preneed contracts be deposited in this state; requiring that funds discharging a preneed contract be disbursed from the trust under certain circumstances; amending s. 497.602, F.S.; revising the course requirements for a direct disposer license; deleting provisions requiring rules for the display of certain licenses; amending s. 497.603, F.S.; requiring the licensing authority to adopt rules for the renewal of direct disposer licenses; requiring a course on communicable diseases; conforming the continuing education requirements for direct disposers to the repeal by the act of provisions requiring a course on HIV and AIDS; amending s. 497.604, F.S.; requiring a direct disposal establishment to have a licensed funeral director act as the direct disposer in charge and providing exceptions; requiring certain licensees to display their licenses in direct disposal establishments; repealing s. 497.367, F.S., relating to a continuing education course required for funeral directors and embalmers on HIV and AIDS; providing an effective date.

—was read the second time by title.

On motion by Rep. K. Roberson, CS for CS for SB 1152 was substituted for CS/HB 527. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 1412—A bill to be entitled An act relating to obsolete or outdated agency plans, reports, and programs; repealing s. 13.01, F.S., which establishes the Florida Commission on Interstate Cooperation; repealing s. 13.02, F.S., which establishes the Senate Committee on Interstate Cooperation; repealing s. 13.03, F.S., which establishes the House of Representatives Committee on Interstate Cooperation; repealing s. 13.04, F.S., which provides terms and functions of both House and Senate standing committees; repealing s. 13.05, F.S., which establishes the Governor's Committee on Interstate Cooperation; repealing s. 13.06, F.S., which designates informal names of the committees and the Commission; repealing s. 13.07, F.S., which provides the functions of the commission; repealing s. 13.08, F.S., which establishes the powers and duties of the commission; repealing s. 13.09, F.S., which declares the Council of State Government to be a joint governmental agency of Florida and other states; transferring and renumbering s. 13.10, F.S., relating to the appointment of Commissioners to the National Conference of Commissioners on Uniform State Laws; repealing s. 13.90, F.S., which establishes the Florida Legislative Law Revision Council; repealing s. 13.91, F.S., which establishes the membership of the council; repealing s. 13.92, F.S., which establishes the term limits for members appointed to the council; repealing s. 13.93, F.S., which declares all serving members of the council eligible for reappointment; repealing s. 13.94, F.S., which designates the chair and vice chair of the council; repealing s. 13.95, F.S., which declares that the members of the council shall serve without compensation; repealing s. 13.96, F.S., which provides the functions of the council; repealing s. 13.97, F.S., which provides that the council shall be the recipient of proposed changes and may make recommendations on such proposals; repealing s. 13.98, F.S., which provides that the council submit a report of all actions taken at each regular session of the Legislature; repealing s. 13.99, F.S., regarding personnel of the council; repealing s. 13.992, F.S., which defines the powers of the council; repealing s. 13.993, F.S., which authorizes the council to procure information from state, municipal corporations, or governmental department agencies; repealing s. 13.994, F.S., which authorizes the council to create rules and regulations for the conduct of business; repealing s. 13.995, F.S., which requires appropriations to carry out the purposes of the council; repealing s. 13.996, F.S., which provides that the first duty of the council shall be to complete revision of the criminal laws of the state of Florida; repealing s. 14.25, F.S., relating to the Florida State Commission on Hispanic Affairs; amending s. 14.26, F.S.; revising reporting requirements of the Citizen's Assistance Office; repealing s. 14.27, F.S., relating to the Florida Commission on African-American Affairs; repealing s. 16.58, F.S., relating to the Florida Legal Resource Center; amending s. 17.32, F.S.; revising the recipients of the annual report of trust funds by the Chief Financial Officer; amending s. 17.325, F.S.; deleting a reporting requirement relating to the governmental efficiency hotline; amending s. 20.057, F.S.; deleting a reporting requirement of the Governor relating to interagency agreements to delete duplication of inspections; repealing s. 20.316(4)(e), (f), and (g), F.S., relating to information systems of the Department of Juvenile Justice; amending s. 20.43, F.S.; revising provisions relating to planning by the Department of Health; amending s. 39.4086, F.S.; deleting provisions relating to a report by the State Courts Administrator on a guardian ad litem program for dependent children; amending s. 98.255, F.S.; deleting provisions relating to a report on the effectiveness of voter education programs; amending s. 110.1227, F.S.; revising provisions relating to a report by the board of directors of the Florida Long-Term-Care Plan; amending s. 120.542, F.S.; deleting provisions relating to reports of petitions filed for variances to agency rules; repealing s. 153.952, F.S., relating to legislative findings and intent concerning privately owned wastewater systems and facilities; amending s. 161.053, F.S.; deleting a provision relating to a report on the coastal construction control line; amending s. 161.161, F.S.; deleting a provision requiring a report on funding for beach erosion control; repealing s. 163.2526, F.S., relating to the review and evaluation of urban infill; amending s. 163.3167, F.S.; deleting provisions relating to local government comprehensive plans; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; amending s. 163.3178, F.S.; deleting a duty of the Coastal Resources Interagency Management Committee to submit certain recommendations; repealing s. 163.519(12), F.S., relating to the requirement for a report on neighborhood improvement districts by the Department of Legal Affairs; repealing s. 186.007(9), F.S.; deleting provisions relating to a committee to recommend to the Governor changes in the state comprehensive plan; amending ss. 189.4035 and 189.412, F.S.; revising requirements relating to dissemination of the official list of special districts; amending s. 206.606, F.S.; revising provisions relating to a report on the Florida Boating Improvement Program; amending s. 212.054, F.S.; deleting the requirement for a report on costs of administering the discretionary sales surtax; amending s. 212.08, F.S.; deleting a requirement for a report on the sales tax exemption for machinery and equipment used in semiconductor, defense, or space technology production and research and development; repealing s. 213.0452, F.S., relating to a report on the structure of the Department of Revenue; repealing s. 213.054, F.S., relating to monitoring and reporting regarding persons claiming tax exemptions; amending s. 215.70, F.S.; requiring the State Board of Administration to report to the Governor when funds need to be appropriated to honor the full faith and credit of the state; amending s. 216.011, F.S.; redefining the term "long-range program plan"; repealing s. 216.181(10)(c), F.S., relating to reports of filled and vacant positions and salaries; amending s. 252.55, F.S.; revising certain reporting requirements relating to the Civil Air Patrol; amending s. 253.7825, F.S.; deleting provisions relating to the plan for the Cross Florida Greenways State Recreation and Conservation Area; repealing s. 253.7826, F.S., relating to structures of the Cross Florida Barge Canal; repealing s. 253.7829, F.S., relating to a management plan for retention or disposition of lands of the Cross Florida Barge Canal; amending s. 259.037, F.S.; revising provisions relating to a report of the Land Management Uniform Accounting Council; repealing s. 267.074(4), F.S., relating to a plan for the State Historical Marker Program; repealing s. 284.50(3), F.S., relating to a requirement for a report by the Interagency Advisory Council on Loss Prevention and certain department heads; repealing s. 287.045(11), F.S., relating to a requirement for reports on use of recycled products; repealing s. 288.108(7), F.S., relating to a requirement for a report by the Office of Tourism, Trade, and Economic Development on high-impact businesses; repealing s. 288.1185, F.S., relating

to the Recycling Markets Advisory Committee; amending s. 288.1229, F.S.; revising duties of the direct-support organization to support sports-related industries and amateur athletics; repealing s. 288.7015(4), F.S., relating to a requirement for a report by the rules ombudsman in the Executive Office of the Governor; amending s. 288.7771, F.S.; revising a reporting requirement of the Florida Export Finance Corporation; repealing s. 288.8175(8), (10), and (11), F.S., relating to certain responsibilities of the Department of Education with respect to linkage institutes between postsecondary institutions in this state and foreign countries; repealing s. 288.853(5), F.S., relating to the requirement for a report on assistance to and commerce with Cuba; amending s. 288.904, F.S.; deleting an obsolete provision requiring the creation of advisory committees on international and small business issues; amending s. 288.95155, F.S.; revising requirements for a report by Enterprise Florida, Inc., on the Florida Small Business Technology Growth Program; amending s. 288.9604, F.S.; deleting a requirement for a report by the Florida Development Finance Corporation; amending s. 288.9610, F.S.; revising provisions relating to annual reporting by the corporation; amending s. 292.05, F.S.; revising requirements relating to a report by the Department of Veterans' Affairs; repealing ss. 296.16 and 296.39, F.S., relating to reports by the executive director of the Department of Veterans' Affairs; repealing s. 315.03(12)(c), F.S., relating to legislative review of a loan program of the Florida Seaport Transportation and Economic Development Council; amending s. 319.324, F.S.; deleting provisions relating to funding a report on odometer fraud prevention and detection; repealing s. 322.181, F.S., relating to a study by the Department of Highway Safety and Motor Vehicles on driving by the elderly; repealing s. 322.251(7)(c), F.S., relating to a plan to indemnify persons wanted for passing worthless bank checks; amending s. 373.0391, F.S.; deleting provisions relating to provision of certain information by water management districts; amending s. 373.046, F.S.; deleting an obsolete provision requiring a report by the Secretary of Environmental Protection; repealing s. 376.121(14), F.S., relating to a report by the Department of Environmental Protection on damage to natural resources; repealing s. 376.17, F.S., relating to reports of the department to the Legislature; repealing s. 376.30713(5), F.S., relating to a report on preapproved advanced cleanup; amending s. 379.2211, F.S.; revising provisions relating to a report by the Fish and Wildlife Conservation Commission on waterfowl permit revenues; amending s. 379.2212, F.S.; revising provisions relating to a report by the commission on wild turkey permit revenues; repealing s. 379.2523(8), F.S., relating to duties of the Fish and Wildlife Conservation Commission concerning an aquaculture plan; amending s. 380.06, F.S.; deleting provisions on transmission of revisions relating to statewide guidelines and standards for developments of regional impact; repealing s. 380.0677(3), F.S., relating to powers of the Green Swamp Land Authority; repealing s. 381.0011(3), F.S., relating to an inclusion in the Department of Health's strategic plan; repealing s. 381.0036, F.S., relating to planning for implementation of educational requirements concerning HIV and AIDS; repealing s. 381.731, F.S., relating to strategic planning of the Department of Health; amending s. 381.795, F.S.; deleting provisions relating to studies by the Department of Health on long-term, community-based supports; amending s. 381.931, F.S.; deleting provisions relating to the duty of the Department of Health to develop a report on Medicaid expenditures; amending s. 383.19, F.S.; revising provisions relating to reports by hospitals contracting to provide perinatal intensive care services; repealing s. 383.21, F.S., relating to reviews of perinatal intensive care service programs; amending s. 383.2161, F.S.; revising requirements relating to a report by the Department of Health on maternal and child health; repealing s. 394.4573(4), F.S., relating to the requirement for a report by the Department of Children and Family Services on staffing state mental health facilities; amending s. 394.4985, F.S.; deleting provisions relating to plans by department districts; repealing s. 394.82, F.S., relating to the funding of expanded community mental health services; repealing s. 394.9082(9), F.S., relating to reports on contracting with behavioral health management entities; repealing s. 394.9083, F.S., relating to the Behavioral Health Services Integration Workgroup; repealing s. 395.807(2)(c), F.S., relating to requirements for a report on the retention of family practice residents; repealing s. 397.332(3), F.S., relating to the requirement for a report by the director of the Office of Drug Control; repealing s. 397.94(1), F.S., relating to children's substance abuse services plans by service districts of the Department of Children and Family Services; repealing s. 400.148(2), F.S., relating to a pilot program of the Agency for Health Care Administration for a quality-of-care contract management program; amending s. 400.967, F.S.; deleting provisions relating to a report by the Agency for Health Care Administration on intermediate care facilities for developmentally disabled persons; repealing s. 402.3016(3), F.S., relating to the requirement for a report by the agency on Early Head Start collaboration grants; repealing s. 402.40(9), F.S., relating to submission to the Legislature of certain information related to child welfare training; amending s. 403.4131, F.S.; deleting provisions relating to a report on the adopt-a-highway program; repealing s. 403.706(2)(d), F.S., relating to local government solid waste responsibilities; repealing s. 406.02(4)(a), F.S., relating to the requirement for a report by the Medical Examiners Commission; amending s. 408.033, F.S.; revising provisions relating to reports by local health councils; repealing s. 408.914(4), F.S., relating to the requirement of the Agency for Health Care Administration to submit to the Governor a plan on the comprehensive health and human services eligibility access system; repealing s. 408.915(3)(i), F.S., relating to the requirement for periodic reports on the pilot program for such access; repealing s. 408.917, F.S., relating to an evaluation of the pilot project; amending s. 409.1451, F.S.; revising requirements relating to reports on independent living transition services; repealing s. 409.152, F.S., relating to service integration and family preservation; repealing s. 409.1679(1) and (2), F.S., relating to reports concerning residential group care services; amending s. 409.1685, F.S.; revising provisions relating to reports by the Department of Children and Family Services on children in foster care; repealing s. 409.221(4)(k), F.S., relating to reports on consumer-directed care; amending s. 409.25575, F.S.; deleting provisions relating to a report by the Department of Revenue regarding a quality assurance program for privatization of services; amending s. 409.2558, F.S.; deleting provisions relating to the Department of Revenue's solicitation of recommendations related to a rule on undistributable collections; repealing s. 409.441(3), F.S., relating to the state plan for the handling of runaway youths; amending s. 409.906, F.S.; deleting a requirement for reports of child-welfare-targeted case management projects; amending s. 409.912, F.S.; revising provisions relating to duties of the agency with respect to cost-effective purchasing of health care; repealing s. 410.0245, F.S., relating to a study of service needs of the disabled adult population; repealing s. 410.604(10), F.S., relating to a requirement for the Department of Children and Family Services to evaluate the community care for disabled adults program; amending s. 411.0102, F.S.; deleting provisions relating to use of child care purchasing pool funds; repealing s. 411.221, F.S., relating to prevention and early assistance; repealing s. 411.242, F.S., relating to the Florida Education Now and Babies Later program; amending s. 414.14, F.S.; deleting a provision relating to a report by the Secretary of Children and Family Services on public assistance policy simplification; repealing s. 414.36(1), F.S., relating to a plan for privatization of recovery of public assistance overpayment claims; repealing s. 414.391(3), F.S., relating to a plan for automated fingerprint imaging; amending s. 415.1045, F.S.; deleting a requirement for a study by the Office of Program Policy Analysis and Government Accountability on documentation of exploitation, abuse, or neglect; amending s. 420.622, F.S.; revising requirements relating to a report by the State Council on Homelessness; repealing s. 420.623(4), F.S., relating to the requirement of a report by the Department of Community Affairs on homelessness; amending s. 427.704, F.S.; revising requirements relating to a report by the Public Service Commission on a telecommunications access system; amending s. 427.706, F.S.; revising requirements relating to a report by the advisory committee on telecommunications access; amending s. 429.07, F.S.; deleting provisions relating to a report by the Department of Elderly Affairs on extended congregate care facilities; amending s. 429.41, F.S.; deleting provisions relating to a report concerning standards for assisted living facilities; amending s. 430.04, F.S.; revising duties of the Department of Elderly Affairs with respect to certain reports and recommendations; amending s. 430.502, F.S.; revising requirements with respect to reports by the Alzheimer's Disease Advisory Committee; amending s. 445.006, F.S.; deleting provisions relating to a strategic plan for workforce development; repealing s. 455.2226(8), F.S., relating to the requirement of a report by the Board of Funeral Directors and Embalmers; repealing s. 455.2228(6), F.S., relating to the requirement of reports by the Barbers' Board and the Board of

Cosmetology; amending s. 456.005, F.S.; revising requirements relating to long-range planning by professional boards; amending s. 456.025, F.S.; revising requirements relating to a report to professional boards by the Department of Health; repealing s. 456.034(6), F.S., relating to reports by professional boards about HIV and AIDS; amending s. 517.302, F.S.; deleting a requirement for a report by the Office of Financial Regulation on deposits into the Anti-Fraud Trust Fund; repealing s. 531.415(3), F.S., relating to the requirement of a report by the Department of Agriculture and Consumer Services on fees; repealing s. 570.0705(3), F.S., relating to the requirement of a report by the Commissioner of Agriculture concerning advisory committees; amending s. 570.0725, F.S.; requiring that the Department of Agriculture and Consumer Services submit an electronic report to the Legislature concerning support for food recovery programs; repealing s. 570.543(3), F.S., relating to legislative recommendations of the Florida Consumers' Council; amending s. 590.33, F.S.; deleting a reference to the Florida Commission on Interstate Cooperation to conform to changes made by the act; amending s. 603.204, F.S.; revising requirements relating to the South Florida Tropical Fruit Plan; amending s. 627.64872, F.S.; deleting provisions relating to an interim report by the board of directors of the Florida Health Insurance Plan; prohibiting the board from acting to implement the plan until certain funds are appropriated; amending s. 744.708, F.S.; revising provisions relating to audits of public guardian offices and to reports concerning those offices; amending s. 768.295, F.S.; revising duties of the Attorney General relating to reports concerning "SLAPP" lawsuits; amending s. 790.22, F.S.; deleting provisions relating to reports by the Department of Juvenile Justice concerning certain juvenile offenses that involve weapons; amending s. 943.125, F.S.; deleting provisions relating to reports by the Florida Sheriffs Association and the Florida Police Chiefs Association concerning law enforcement agency accreditation; amending s. 943.68, F.S.; revising requirements relating to reports by the Department of Law Enforcement concerning transportation and protective services; amending s. 944.801, F.S.; deleting a requirement to deliver to specified officials copies of certain reports concerning education of state prisoners; repealing s. 945.35(10), F.S., relating to the requirement of a report by the Department of Corrections concerning HIV and AIDS education; repealing s. 958.045(9), F.S., relating to a report by the department concerning youthful offenders; amending s. 960.045, F.S.; revising requirements relating to reports by the Department of Legal Affairs with respect to victims of crimes; repealing s. 985.02(8)(c), F.S., relating to the requirement of a study by the Office of Program Policy Analysis and Government Accountability on programs for young females within the Department of Juvenile Justice; amending s. 985.047, F.S.; deleting provisions relating to a plan by a multiagency task force on information systems related to delinquency; amending s. 985.47, F.S.; deleting provisions relating to a report on serious or habitual juvenile offenders; amending s. 985.483, F.S.; deleting provisions relating to a report on intensive residential treatment for offenders younger than 13 years of age; repealing s. 985.61(5), F.S., relating to a report by the Department of Juvenile Justice on early delinquency intervention; amending s. 985.622, F.S.; deleting provisions relating to submission of the multiagency plan for vocational education; repealing s. 985.632(7), F.S., relating to a report by the Department of Juvenile Justice on funding incentives and disincentives; repealing s. 1002.34(19), F.S., relating to an evaluation and report by the Commissioner of Education concerning charter technical career centers; repealing s. 1003.61(4), F.S., relating to evaluation of a pilot attendance project in Manatee County; amending s. 1004.22, F.S.; deleting provisions relating to university reports concerning sponsored research; repealing s. 1004.50(6), F.S., relating to the requirement of a report by the Governor concerning unmet needs in urban communities; repealing s. 1004.94(2) and (4), F.S., relating to guidelines for and a report on plans for a state adult literacy program; amending s. 1004.95, F.S.; revising requirements relating to implementing provisions for adult literacy centers; repealing s. 1006.0605, F.S., relating to students' summer nutrition; repealing s. 1006.67, F.S., relating to a report of campus crime statistics; amending s. 1009.70, F.S.; deleting provisions relating to a report on a minority law school scholarship program; amending s. 1011.32, F.S.; requiring the Governor to be given a copy of a report related to the Community College Facility Enhancement Challenge Grant Program; amending s. 1011.62, F.S.; deleting provisions relating to recommendations for implementing the extended-school-year program; repealing s. 1012.05(2)(l), F.S., relating to a plan concerning teacher recruitment and retention; amending s. 1012.42, F.S.; deleting provisions relating to a plan of assistance for teachers teaching out-of-field; amending s. 1013.11, F.S.; deleting provisions relating to transmittal of a report on physical plant safety; amending ss. 161.142, 163.065, 163.2511, 163.2514, 163.3202, 259.041, 259.101, 369.305, 379.2431, 381.732, 381.733, 411.01, 411.232, and 445.006, F.S., conforming cross-references to changes made by the act; amending s. 1001.42, F.S.; deleting provisions that require each district school board to reduce paperwork and data collection and report its findings and potential solutions on reducing burdens associated with such collection; amending s. 1008.31, F.S.; requiring that the Commissioner of Education monitor and review the collection of paperwork, data, and reports by school districts; requiring that the commissioner complete an annual review of such collection by a specified date each year; requiring that the commissioner prepare a report, by a specified date each year, assisting the school districts with eliminating or consolidating paperwork, data, and reports by providing suggestions, technical assistance, and guidance; providing an effective date.

—was read the second time by title.

Representative Schenck offered the following:

(Amendment Bar Code: 701109)

Amendment 1 (with title amendment)—Remove lines 603-616

T I T L E A M E N D M E N T

Remove lines 70-72 and insert:
Juvenile Justice; amending s. 39.4086, F.S.; deleting provisions

Rep. Schenck moved the adoption of the amendment, which was adopted.

Representative Schenck offered the following:

(Amendment Bar Code: 653191)

Amendment 2—Remove lines 1317-1322 and insert:
Any amendments to chapter 9J-5, Florida Administrative Code, exclusive of the amendments adopted prior to October 1, 1986, pursuant to this act, shall be subject to the full chapter 120 process. All amendments shall have effective dates as provided in chapter 120 and submission to the President of the Senate and Speaker of the House of Representatives shall not be required.

Rep. Schenck moved the adoption of the amendment, which was adopted.

Representative Schenck offered the following:

(Amendment Bar Code: 450439)

Amendment 3 (with title amendment)—Remove lines 1675-1676

T I T L E A M E N D M E N T

Remove lines 142-145 and insert:
repealing s. 288.1185, F.S., relating to

Rep. Schenck moved the adoption of the amendment, which was adopted.

Representative Schenck offered the following:

(Amendment Bar Code: 233735)

Amendment 4 (with title amendment)—Remove lines 2141-2142

T I T L E A M E N D M E N T

Remove lines 233-235 and insert:

health services; repealing s. 394.9083,

Rep. Schenck moved the adoption of the amendment, which was adopted.

Representative Schenck offered the following:

(Amendment Bar Code: 086067)

Amendment 5 (with title amendment)—Remove lines 3354-3367

T I T L E A M E N D M E N T

Remove lines 375-377 and insert:
those offices; amending s. 790.22, F.S.;

Rep. Schenck moved the adoption of the amendment, which was adopted.

Representative Schenck offered the following:

(Amendment Bar Code: 411275)

Amendment 6 (with title amendment)—Remove lines 3594-3595

T I T L E A M E N D M E N T

Remove lines 417-420 and insert:
and disincentives; repealing s. 1003.61(4), F.S.,

Rep. Schenck moved the adoption of the amendment, which was adopted.

Representative Schenck offered the following:

(Amendment Bar Code: 439619)

Amendment 7 (with title amendment)—Remove lines 3598-3696

T I T L E A M E N D M E N T

Remove lines 422-424 and insert:
in Manatee County; repealing s. 1004.50(6), F.S.,

Rep. Schenck moved the adoption of the amendment, which was adopted.

Representative Schenck offered the following:

(Amendment Bar Code: 560835)

Amendment 8 (with title amendment)—Remove lines 3699-3708

T I T L E A M E N D M E N T

Remove lines 427-431 and insert:
repealing s. 1006.0605, F.S.,

Rep. Schenck moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 1678—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; repealing s. 1004.43(8)(c), F.S., relating to an exemption from public-records requirements for certain records held by the H. Lee Moffitt Cancer Center and Research Institute; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

On motion by Rep. Schenck, the rules were waived and SB 1678 was substituted for HB 7197. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 1736—A bill to be entitled An act relating to unemployment compensation; reviving, readopting, and amending s. 443.1117, F.S.; providing for retroactive application; establishing temporary state extended benefits for weeks of unemployment; revising definitions; providing for state extended benefits for certain weeks and for periods of high unemployment; providing applicability; amending s. 55.204, F.S.; specifying the duration of liens securing the payment of unemployment compensation tax obligations; amending s. 95.091, F.S.; creating an exception to a limit on the duration of tax liens for certain tax liens relating to unemployment compensation taxes; amending s. 213.25, F.S.; authorizing the Department of Revenue to reduce a tax refund or credit owing to a taxpayer to the extent of liability for unemployment compensation taxes; amending s. 443.036, F.S.; revising definitions; conforming cross-references; providing for the treatment of a single-member limited liability company as the employer for purposes of unemployment compensation; amending s. 443.091, F.S.; requiring claimants to register with the Agency for Workforce Innovation and report to the local one-stop career center; specifying exemptions; clarifying that an individual must report regardless of any pending appeals relating to eligibility; amending s. 443.1215, F.S.; conforming a cross-reference; amending s. 443.131, F.S.; conforming provisions to changes made by the act; deleting a requirement for employer response; revising a date triggering the calculating of a positive adjustment factor based on the balance of the Unemployment Compensation Trust Fund; amending s. 443.141, F.S.; providing penalties for erroneous, incomplete, or insufficient reports relating to unemployment compensation taxes; authorizing a waiver of the penalty under certain circumstances; defining a term; authorizing the Agency for Workforce Innovation and the state agency providing unemployment compensation tax collection services to adopt rules; providing an expiration date for liens for contributions and reimbursements; updating a cross-reference; amending s. 443.151, F.S.; requiring the process for filing a claim to incorporate the process for registering for work with the workforce information system; authorizing the agency to adopt rules; providing for monetary and nonmonetary determinations as part of the notice of claim; requiring employers to respond to a notice of claim within a certain period; providing for chargeability of benefits; providing for rulemaking; limiting collection of overpayments under certain conditions; amending s. 443.163, F.S.; increasing penalties for failing to file Employers Quarterly Reports by means other than approved electronic means; revising the conditions under which the electronic filing requirement may be waived; deleting obsolete provisions related to telefile; amending s. 443.1715, F.S.; specifying that an employer may obtain employee wage information from the agency; amending s. 443.101, F.S.; correcting a cross-reference; providing that the act fulfills an important state interest; providing effective dates.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS for SB 1730—A bill to be entitled An act relating to biodiesel fuel; amending s. 206.874, F.S.; exempting biodiesel fuel manufactured by a public or private secondary school from taxation under certain circumstances; specifying the circumstances under which a public or private secondary school that manufactures biodiesel fuel is exempt from certain registration requirements; providing an effective date.

—was read the second time by title.

On motion by Rep. Precourt, CS for SB 1730 was substituted for HB 1065. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 1150—A bill to be entitled An act relating to registration of farm labor contractors and employees; amending s. 450.28, F.S.; defining the term "timely application for renewal"; amending s. 450.31, F.S.; requiring the renewal of farm labor contractor and employee certificates of registration under certain circumstances; requiring the Department of Business and Professional Regulation to suspend, revoke, or refuse to issue or renew certificates of registration under certain circumstances; providing an effective date.

—was taken up, having been temporarily postponed earlier today, and read the second time by title.

On motion by Rep. McKeel, SB 1150 was substituted for CS/HB 357. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 1752—A bill to be entitled An act relating to economic development; amending s. 125.045, F.S.; requiring an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the county to include the report in its annual financial audit; requiring counties to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations; amending s. 159.803, F.S.; conforming a cross-reference to changes made by the act; amending s. 166.021, F.S.; requiring an agency or entity that receives municipal funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the municipality to include the report in its annual financial audit; requiring municipalities to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Affairs; amending s. 212.05, F.S.; limiting the maximum amount of tax that may be imposed and collected on the sale or use of a boat in this state; amending s. 212.08, F.S.; temporarily exempting from sales and use taxes the increase in purchases of certain industrial machinery and equipment over the amount of purchases made in a base year; redefining the terms "real property" and "rehabilitation of real property" for purposes of the sales tax exemption on certain building materials used in the rehabilitation of real property used in an enterprise zone; specifying procedures to claim a sales tax credit under the entertainment industry financial incentive program; providing an exemption from the use tax for an aircraft that temporarily enters the state or is temporarily in the state for certain purposes; requiring documentation that identifies the aircraft in order to qualify for the exemption; providing that the exemption is in addition to certain other exemptions; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide confidential taxpayer information relating to certain tax credits under the entertainment industry financial incentive program to the Office of Film and Entertainment and to the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; providing for tax credits pursuant to the entertainment industry financial incentive program and the jobs for the unemployed tax credit program to be taken against the corporate income tax or the franchise tax after other existing credits are taken; creating s. 220.1896, F.S.; creating the jobs for the unemployed tax credit program to provide a tax credit to certain businesses that employ certain individuals who were previously unemployed after a certain date; providing for applications for certification under the program to be reviewed by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; providing criminal penalties for fraudulent claims of a tax credit; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt rules; providing for the expiration of the tax credit program; creating s. 220.1899, F.S.; creating the entertainment industry tax credit for a tax credit against the qualified expenditures made by a qualified production company pursuant to the entertainment industry financial incentive program; amending s. 220.191, F.S.; redefining the terms "qualifying business" and "qualifying project" for purposes of the capital investment tax credit; providing for the amount of the credit to diminish over a 10-year period; conforming cross-references to changes made in the act; providing that a business seeking the tax credit has the responsibility of demonstrating qualification for the credit to the Department of Revenue and the Office of Tourism, Trade, and Economic Development; authorizing the payment of a prorated tax credit under certain circumstances; providing that a business that receives a capital investment tax credit is not eligible for a tax refund under the qualified target industry tax refund program; amending s. 288.095, F.S.; increasing the amount of tax refund payments available to pay the state's share of refunds under the qualified defense contractor and space flight business tax refund program and the tax refund program for qualified target industry businesses; amending s. 288.106, F.S.; providing legislative findings and declarations for the tax refund program for qualified target industry businesses; revising the definitions of terms applicable to the program; revising the criteria for the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to use in identifying target industry businesses; conforming cross-references to changes made by the act; authorizing additional tax refunds to qualified target industry businesses that meet specified conditions; requiring an application for certification as a qualified target industry business to include an estimate of the proportion of the machinery, equipment, and other resources that will be used in the applicant's proposed operation in Florida and purchased by the applicant outside the state; requiring the Office of Tourism, Trade, and Economic Development to consider the state's return on investment in evaluating applicants for the tax refund program; extending the date by which a qualified target industry business may request an economic-stimulus exemption; redesignating economic-stimulus exemptions as economic recovery extensions; authorizing the Office of Tourism, Trade, and Economic Development to waive the requirement for a business to annually provide proof of taxes paid if the business provides proof that it has paid certain taxes in amounts at least equal to the total amount of refunds for which the business is eligible; requiring the Office of Tourism, Trade, and Economic Development to conduct a review of certain qualified target industry businesses that have received their final tax refund and provide a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; extending the date by which businesses may apply to participate in the tax refund program for qualified target industry businesses; amending s. 288.107, F.S.; conforming cross-references to changes made by the act; amending s. 288.125, F.S.; redefining the term "entertainment industry" to include digital media projects; amending s. 288.1251, F.S.; requiring the Office of Film and Entertainment to update its strategic plan every 5 years; deleting requirements for the Office of Film and Entertainment to represent certain decisionmakers within the entertainment industry and to act as a liaison between entertainment industry producers and labor organizations; amending s. 288.1252, F.S.; deleting obsolete provisions; deleting the requirement for the Commissioner of Film and Entertainment and a representative of the Florida Tourism Marketing Council to serve as ex officio members of the Film and Entertainment Advisory Council; amending s. 288.1253, F.S.; eliminating provisions authorizing the payment of travel expenses to persons other than employees of the Office of Film and Entertainment, the Governor and Lieutenant Governor, and security staff; providing for the payment of travel expenses through reimbursements; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation, and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for withdrawal of tax credit eligibility; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing requirements for transfer of tax credits; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement

of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal;amending s. 288.1258, F.S.; requiring the Office of Film and Entertainment to include in its records certain ratios of tax exemptions and incentives to the estimated funds expended by a certified production; creating s. 288.9552, F.S.; creating the Research Commercialization Matching Grant Program to provide grants to certain small companies; designating the Florida Institute for the Commercialization of Public Research to serve as the administrator of the program; specifying criteria to determine eligibility for a grant; limiting the maximum amount of an award; requiring the institute to issue an annual report relating to the grant program to the Governor, the President of the Senate, and the Speaker of the House of Representatives; amending s. 290.00677, F.S.; conforming cross-references to changes made by the act; amending s. 373.441, F.S.; revising provisions relating to adoption of rules relating to permitting; requiring the Department of Environmental Protection to adopt rules that authorize a local government to petition the Governor and Cabinet for certain delegation requests; requiring the Department of Environmental Protection detail the statutes or rules that were not satisfied by a local government that made a request for delegation and to detail actions that could be taken to allow for delegation; authorizing a local government to petition the Governor and Cabinet to review the denial of a delegation request; providing that a delegation of authority must be approved if it meets certain rule requirements; amending s. 403.061, F.S.; directing the Department of Environmental Protection to expand the use of online self-certification for certain exemptions and permits; limiting the authority of a local government the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit; requiring the Office of Program Policy Analysis and Government Accountability to review the Enterprise Zone Program and submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; authorizing the funds in specific appropriation 2649 of chapter 2008-152, Laws of Florida, to be used for additional space-related economic-development purposes; providing an appropriation to the Office of Tourism, Trade, and Economic Development to fund the operations of Space Florida; providing an appropriation to the Space Business Investment and Financial Services Trust Fund to carry out the purposes of the trust fund; providing an appropriation to the Office of Tourism, Trade, and Economic Development to enable Space Florida to provide targeted business-development support services and business recruitment; providing an appropriation to the Office of Tourism, Trade, and Economic Development for Space Florida to retrain workers in the space industry; requiring all state agencies owning or operating state-owned real property to submit inventory data to the Department of Environmental Protection by a specified date; requiring the Department of Environmental Protection to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that lists state-owned real property recommended for disposition; providing that the proceeds of the sale of surplus real property be deposited in the General Revenue Fund to be used for certain specified purposes; requiring the Office of Program Policy Analysis and Government Accountability to review and evaluate the Research Commercialization Matching Grant Program and submit a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives; reauthorizing certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted in accordance with Chapter 2009-96, Laws of Florida; extending the expiration dates of certain permits issued by the Department of Environmental Protection or a water management district; extending certain previously granted build-out dates; amending s. 47 of chapter 2009-82, Laws of Florida; delaying the expiration of the Florida Homebuyer Opportunity Program; requiring that construction contracts funded by state funds contain a provision requiring the contractor to give preference to the employment of Florida residents if they have substantially equal qualifications as nonresidents; defining the term "substantially equal qualifications"; requiring that a contractor post employment needs in the state's job bank system; providing an appropriation to the Florida Institute for the Commercialization of Public Research to fund grants under the Research Commercialization Matching Grant Program; conditionally specifying the use of an appropriation to the Board of Governors of the State University System to fund proposals under the State University Research Commercialization Assistance Grant Program; providing an appropriation for the Florida Export Finance Corporation to capitalize an expansion of its existing loan program for exporters; providing a finding that the act fulfills an important state interest; providing for severability; providing effective dates.

—was read the second time by title.

On motion by Rep. Weatherford, the rules were waived and CS for SB 1752 was substituted for CS/CS/HB 1509. Under Rule 5.13, the House bill was laid on the table.

Representative Bogdanoff offered the following:

(Amendment Bar Code: 625935)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Effective July 1, 2010, subsections (4) and (5) are added to section 125.045, Florida Statutes, to read:

125.045 County economic development powers.—

(4) A contract between the governing body of a county or other entity engaged in economic development activities on behalf of the county and an economic development agency must require the agency or entity receiving county funds to submit a report to the governing body of the county detailing how county funds were spent and detailing the results of the economic development agency's or entity's efforts on behalf of the county. By January 15, 2011, and annually thereafter, the county must file a copy of the report with the Legislative Committee on Intergovernmental Relations or its successor entity and post a copy of the report on the county's website.

(5)(a) By January 15, 2011, and annually thereafter, each county shall report to the Legislative Committee on Intergovernmental Relations or its successor entity the economic development incentives in excess of $25,000 given to any business during the county's previous fiscal year. The Legislative Committee on Intergovernmental Relations or its successor entity shall provide the report to the Office of Tourism, Trade, and Economic Development. Economic development incentives include:

1. Direct financial incentives of monetary assistance provided to a business from the county or through an organization authorized by the county. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

2. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

3. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

4. Below-market rate leases or deeds for real property.

(b) A county shall report its economic development incentives in the format specified by the Legislative Committee on Intergovernmental Relations or its successor entity.

(c) The Legislative Committee on Intergovernmental Relations or its successor entity shall compile the economic development incentives provided by each county in a manner that shows the total of each class of economic development incentives provided by each county and all counties.

Section 2. Effective July 1, 2010, paragraph (d) of subsection (9) of section 166.021, Florida Statutes, is redesignated as paragraph (f) and amended, and new paragraphs (d) and (e) are added to that subsection, to read:

166.021 Powers.—

(9)

(d) A contract between the governing body of a municipality or other entity engaged in economic development activities on behalf of the municipality and an economic development agency must require the agency or entity receiving municipal funds to submit a report to the governing body of the municipality detailing how the municipal funds are spent and detailing the results of the economic development agency's or entity's efforts on behalf of the municipality. By January 15, 2011, and annually thereafter, the

municipality shall file a copy of the report with the Legislative Committee on Intergovernmental Relations or its successor entity and post a copy of the report on the municipality's website.

(e)1. By January 15, 2011, and annually therafter, each municipality having annual revenues or expenditures greater than $250,000 shall report to the Legislative Committee on Intergovernmental Relations or its successor entity the economic development incentives in excess of $25,000 given to any business during the municipality's previous fiscal year. The Legislative Committee on Intergovernmental Relations or its successor entity shall provide the report to the Office of Tourism, Trade, and Economic Development. Economic development incentives include:

a. Direct financial incentives of monetary assistance provided to a business from the municipality or through an organization authorized by the municipality. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

b. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

c. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

d. Below-market rate leases or deeds for real property.

2. A municipality shall report its economic development incentives in the format specified by the Legislative Committee on Intergovernmental Relations or its successor entity.

3. The Legislative Committee on Intergovernmental Relations or its successor entity shall compile the economic development incentives provided by each municipality in a manner that shows the total of each class of economic development incentives provided by each municipality and all municipalities.

(f)~~(d) Nothing contained in~~ This subsection does not limit ~~shall be construed as a limitation on~~ the home rule powers granted by the State Constitution to ~~for~~ municipalities.

Section 3. Subsection (7) of section 196.1995, Florida Statutes, is amended to read:

196.1995 Economic development ad valorem tax exemption.—

(7) The authority to grant exemptions under this section expires ~~will expire~~ 10 years after the date such authority was approved in an election, but such authority may be renewed for subsequent ~~another~~ 10-year periods if each 10-year renewal is approved ~~period~~ in a referendum called and held pursuant to this section.

Section 4. Effective July 1, 2010, subsection (34) is added to section 212.02, Florida Statutes, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(34) "Fractional aircraft ownership program" means a program that meets the requirements of 14 C.F.R. part 91, subpart K, relating to fractional ownership operations, except that the program must include a minimum of 25 aircraft owned or leased by the program manager and used in the program.

Section 5. Effective July 1, 2010, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is amended to read:

212.031 Tax on rental or license fee for use of real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or provider of communications services, as defined by s. 202.11, for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph

shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Rented, leased, subleased, or licensed to a concessionaire by a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility, during an event at the facility, to be used by the concessionaire to sell souvenirs, novelties, or other event-related products. This subparagraph applies only to that portion of the rental, lease, or license payment which is based on a percentage of sales and not based on a fixed price. This subparagraph is repealed July 1, 2009.

13. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

14. Rented, leased, subleased, or licensed to a person providing telecommunications, data systems management, or Internet services at a publicly or privately owned convention hall, civic center, or meeting space at a public lodging establishment as defined in s. 509.013. This subparagraph applies only to that portion of the rental, lease, or license payment that is based upon a percentage of sales, revenue sharing, or royalty payments and not based upon a fixed price. This subparagraph is intended to be clarifying and remedial in nature and shall apply retroactively. This subparagraph does not provide a basis for an assessment of any tax not paid, or create a right to a refund of any tax paid, pursuant to this section before July 1, 2010.

Section 6. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is reenacted and amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Family Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by a state university, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 1006.71(2)(c).

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

b. No tax shall be levied on admission charges to an event sponsored by a governmental entity, sports authority, or sports commission when held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility and when 100 percent of the risk of success or failure lies with the sponsor of the event and 100 percent of the funds at risk for the event belong to the sponsor, and student or faculty talent is not exclusively used. As used in this sub-subparagraph, the terms "sports authority" and "sports commission" mean a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that contracts with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community with which it contracts. ~~This sub-subparagraph is repealed July 1, 2009.~~

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. Also exempt from the tax imposed by this section are entry fees for participation in freshwater fishing tournaments.

8. Also exempt from the tax imposed by this section are participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

9. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

Section 7. Effective July 1, 2010, paragraph (a) of subsection (1) of section 212.05, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making mail order sales, or who rents or furnishes any of the

things or services taxable under this chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the purchaser may be deemed to be the selling dealer. This exemption shall not be allowed unless:

a. The purchaser removes a qualifying boat, as described in sub-subparagraph f., from the state within 90 days after the date of purchase or extension, or the purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations;

b. The purchaser, within 30 days from the date of departure, shall provide the department with written proof that the purchaser licensed, registered, titled, or documented the boat or aircraft outside the state. If such written proof is unavailable, within 30 days the purchaser shall provide proof that the purchaser applied for such license, title, registration, or documentation. The purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt;

c. The purchaser, within 10 days of removing the boat or aircraft from Florida, shall furnish the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of Florida. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 5 days of the date of sale, shall provide to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the purchaser attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser shall apply to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax imposed by this chapter. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, prior to delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued, except the extension decal shall cost $425.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a decal prior to permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date prior to its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce the provisions of this subparagraph.

If the purchaser fails to remove the qualifying boat from this state within the maximum 180 days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months from the date of departure, except as provided in s. 212.08(7)(ggg), or if the purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the purchaser shall be liable for use tax on the cost price of the boat or aircraft and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2) and is mandatory and shall not be waived by the department. The maximum 180-day period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason. ~~Notwithstanding other provisions of this paragraph to the contrary, an aircraft purchased in this state under the provisions of this paragraph may be returned to this state for repairs~~

~~within 6 months after the date of its departure without being in violation of the law and without incurring liability for the payment of tax or penalty on the purchase price of the aircraft if the aircraft is removed from this state within 20 days after the completion of the repairs and if such removal can be demonstrated by invoices for fuel, tie down, hangar charges issued by out-of-state vendors or suppliers, or similar documentation.~~

(5) Notwithstanding any other provision of this chapter, the maximum amount of tax imposed under this chapter and collected on each sale or use of a boat in this state may not exceed $18,000.

Section 8. Effective July 1, 2010, section 212.0597, Florida Statutes, is created to read:

212.0597 Maximum tax on fractional aircraft ownership interests.—The maximum tax imposed under this chapter, including any discretionary sales surtax under s. 212.055, is limited to $300 on the sale or use in this state of a fractional ownership interest in aircraft pursuant to a fractional aircraft ownership program. The tax applies to the total consideration paid for the fractional ownership interest, including any amounts paid by the fractional owner as monthly management or maintenance fees. The tax applies only if the fractional ownership interest is sold by or to the program manager of the fractional aircraft ownership program, or if the fractional ownership interest is transferred upon the approval of the program manager of the fractional aircraft ownership program.

Section 9. Effective July 1, 2010, paragraphs (b) and (g) of subsection (5) of section 212.08, Florida Statutes, are amended, paragraph (q) is added to that subsection, and paragraphs (ggg) and (hhh) are added to subsection (7) of that section, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) *Machinery and equipment used to increase productive output.—*

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses that ~~which~~ manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months after ~~of~~ that date.

2. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall ~~be required to~~ maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. If ~~In the event~~ a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall adopt rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications, and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm that ~~which~~ does not manufacture, process, compound, or produce for sale items of tangible personal property or that ~~which~~ does not use such machinery and equipment in spaceport activities as required by this paragraph. The exemptions provided in subparagraphs 1. and 2. shall apply to machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations.

6. For the purposes of the exemptions provided in subparagraphs 1.and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities. A building and its structural components are not industrial machinery and equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air-conditioning systems are not industrial machinery and equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant, ~~or~~ operation, or product line in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months selected by the expanding business ~~immediately~~ following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, ~~if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however,~~ in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

(g) *Building materials used in the rehabilitation of real property located in an enterprise zone.—*

1. Building materials used in the rehabilitation of real property located in an enterprise zone are ~~shall be~~ exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the items

have been used for the rehabilitation of real property located in an enterprise zone. Except as provided in subparagraph 2., this exemption inures to the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone must file an application under oath with the governing body or enterprise zone development agency having jurisdiction over the enterprise zone where the business is located, as applicable, which includes:

a. The name and address of the person claiming the refund.

b. An address and assessment roll parcel number of the rehabilitated real property in an enterprise zone for which a refund of previously paid taxes is being sought.

c. A description of the improvements made to accomplish the rehabilitation of the real property.

d. A copy of the building permit issued for the rehabilitation of the real property.

e. A sworn statement, under the penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to accomplish the rehabilitation of the real property, which statement lists the building materials used in the rehabilitation of the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. If ~~In the event that~~ a general contractor has not been used, the applicant shall provide this information in a sworn statement, under the penalty of perjury. Copies of the invoices that ~~which~~ evidence the purchase of the building materials used in such rehabilitation and the payment of sales tax on the building materials shall be attached to the sworn statement provided by the general contractor or by the applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes due thereon is documented by a general contractor or by the applicant in this manner, the cost of such building materials shall be an amount equal to 40 percent of the increase in assessed value for ad valorem tax purposes.

f. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located.

g. A certification by the local building code inspector that the improvements necessary to accomplish the rehabilitation of the real property are substantially completed.

h. Whether the business is a small business as defined by s. 288.703(1).

i. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

2. This exemption inures to a municipality ~~city~~, county, other governmental agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials used in the rehabilitation of real property located in an enterprise zone are paid for from the funds of a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program. To receive a refund pursuant to this paragraph, a municipality ~~city~~, county, other governmental agency, or nonprofit community-based organization must file an application that ~~which~~ includes the same information required to be provided in subparagraph 1. by an owner, lessee, or lessor of rehabilitated real property. In addition, the application must include a sworn statement signed by the chief executive officer of the municipality ~~city~~, county, other governmental agency, or nonprofit community-based organization seeking a refund which states that the building materials for which a refund is sought were paid for from the funds of a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required pursuant to subparagraph 1. or subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the information required pursuant to subparagraph 1. or subparagraph 2. and that meet the criteria set out in this paragraph as eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification shall be in writing, and a copy of the certification shall be transmitted to the executive director of the department ~~of Revenue~~. The applicant is ~~shall be~~ responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund pursuant to this paragraph must be submitted to the department within 6 months after the rehabilitation of the property is deemed to be substantially completed by the local building code inspector or by September 1 after the rehabilitated property is first subject to assessment.

5. Not more than one exemption through a refund of previously paid taxes for the rehabilitation of real property shall be permitted for any single parcel of property unless there is a change in ownership, a new lessor, or a new lessee of the real property. No refund shall be granted pursuant to this paragraph unless the amount to be refunded exceeds $500. No refund granted pursuant to this paragraph shall exceed the lesser of 97 percent of the Florida sales or use tax paid on the cost of the building materials used in the rehabilitation of the real property as determined pursuant to sub-subparagraph 1.e. or $5,000, or, if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees, the amount of refund granted pursuant to this paragraph may ~~shall~~ not exceed the lesser of 97 percent of the sales tax paid on the cost of such building materials or $10,000. A refund approved pursuant to this paragraph shall be made within 30 days after ~~of~~ formal approval by the department of the application for the refund. This subparagraph applies ~~shall apply~~ retroactively to July 1, 2005.

6. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. The department shall deduct an amount equal to 10 percent of each refund granted under ~~the provisions of~~ this paragraph from the amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20 for the county area in which the rehabilitated real property is located and shall transfer that amount to the General Revenue Fund.

8. For the purposes of the exemption provided in this paragraph, the term:

a. "Building materials" means tangible personal property that ~~which~~ becomes a component part of improvements to real property.

b. "Real property" has the same meaning as provided in s. 192.001(12), except that the term does not include a condominium parcel or condominium property as defined in s. 718.103.

c. "Rehabilitation of real property" means the reconstruction, renovation, restoration, rehabilitation, construction, or expansion of improvements to real property.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

9. This paragraph expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(q) Entertainment industry tax credit; authorization; eligibility for credits.—The credits against the state sales tax authorized pursuant to s. 288.1254 shall be deducted from any sales and use tax remitted by the dealer to the department by electronic funds transfer and may only be deducted on a sales and use tax return initiated through electronic data interchange. The dealer shall separately state the credit on the electronic return. The net amount of tax due and payable must be remitted by electronic funds transfer. If the credit for the qualified expenditures is larger than the amount owed on the sales and use tax return that is eligible for the credit, the unused amount of the credit may be carried forward to a succeeding reporting period as provided in s. 288.1254(4)(e). A dealer may only obtain a credit using the method described in this subparagraph. A dealer is not authorized to obtain a credit by applying for a refund.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter

unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ggg) Aircraft temporarily in the state.—

1. An aircraft owned by a nonresident is exempt from the use tax imposed by this chapter if the aircraft enters and remains in this state for less than a total of 21 days during the 6-month period after the date of purchase. The temporary use of the aircraft and subsequent removal from this state may be proven by invoices for fuel, tie-down, or hangar charges issued by out-of-state vendors or suppliers or similar documentation that clearly and specifically identifies the aircraft. The exemption created by this subparagraph is in addition to the exemptions provided in subparagraph 2. and s. 212.05(1)(a).

2. An aircraft owned by a nonresident is exempt from the use tax imposed by this chapter if the aircraft enters or remains in this state exclusively for the purpose of flight training, repairs, alterations, refitting, or modification. Such purposes must be supported by written documentation issued by in-state vendors or suppliers which clearly and specifically identifies the aircraft. The exemption created by this subparagraph is in addition to the exemptions provided in subparagraph 1. and s. 212.05(1)(a).

(hhh) Fractional aircraft ownership programs.—The sale or use of aircraft primarily used in a fractional aircraft ownership program or of any parts or labor used in the completion, maintenance, repair, or overhaul of such aircraft is exempt from the tax imposed by this chapter. The exemption is not allowed unless the program manager of the fractional aircraft ownership program furnishes the dealer with a certificate stating that the lease, purchase, repair, or maintenance is for aircraft primarily used in a fractional aircraft ownership program and that the program manager qualifies for the exemption. If a program manager makes tax-exempt purchases on a continual basis, the program manager may allow the dealer to keep the certificate on file. The program manager must inform a dealer that keeps the certificate on file if the program manager no longer qualifies for the exemption. The department may adopt rules to administer this paragraph, including rules determining the format of the certificate.

Section 10. Effective July 1, 2010, paragraph (z) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(z) Information relative to tax credits taken under s. 288.1254 to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 11. Effective July 1, 2010, subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.187, those enumerated in s. 220.192, those enumerated in s. 220.193, ~~and~~ those enumerated in s. 288.9916, those enumerated in s. 220.1899, and those enumerated in s. 220.1896.

Section 12. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount of emergency excise tax paid or accrued as a liability to this state under chapter 221 which tax is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.187.

12. The amount taken as a credit for the taxable year under s. 220.192.

13. The amount taken as a credit for the taxable year under s. 220.193.

14. Any portion of a qualified investment, as defined in s. 288.9913, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.9916.

15. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.

Section 13. Effective July 1, 2010, section 220.1896, Florida Statutes, is created to read:

220.1896 Jobs for the Unemployed Tax Credit Program.—

(1) As used in this section, the term:

(a) "Eligible business" means any target industry business as defined in s. 288.106(2) which is subject to the tax imposed by this chapter. The eligible business does not have to be certified to receive the Qualified Target Industry Tax Refund Incentive under s. 288.106 in order to receive the tax credit available under this section.

(b) "Office" means the Office of Tourism, Trade, and Economic Development.

(c) "Qualified employee" means a person:

1. Who was unemployed at least 30 days immediately prior to being hired by an eligible business.

2. Who was hired by an eligible business on or after July 1, 2010, and had not previously been employed by the eligible business or its parent or an affiliated corporation.

3. Who performed duties connected to the operations of the eligible business on a regular, full-time basis for an average of at least 36 hours per week and for at least 12 months before an eligible business is awarded a tax credit.

4. Whose employment by the eligible business has not formed the basis for any other claim to a credit pursuant to this section.

(2) A certified business shall receive a $1,000 tax credit for each qualified employee, pursuant to limitation in subsection (5).

(3)(a) In order to become a certified business, an eligible business must file under oath with the office an application that includes:

1. The name, address and NAICS identifying code of the eligible business.

2. Relevant employment information.

3. A sworn affidavit, signed by each employee, attesting to his or her previous unemployment for whom the eligible business is seeking credits under this section.

4. Verification that the wages paid by the eligible business to each of its qualified employees exceeds the wage eligibility levels for Medicaid and other public assistance programs.

5. Any other information necessary to process the application.

(b) The office shall process applications to certify a business in the order in which the applications are received, without regard as to whether the applicant is a new or an existing business. The office shall review and approve or deny an application within 10 days after receiving a completed application. The office shall notify the applicant in writing as to the office's decision.

(c)1. The office shall submit a copy of the letter of certification to the department within 10 days after the office issues the letter of certification to the applicant.

2. If the application of an eligible business is not sufficient to certify the applicant business, the office must deny the application and issue a notice of denial to the applicant.

3. If the application of an eligible business does not contain sufficient documentation of the number of qualified employees, the office shall approve the application with respect to the employees for whom the office determines are qualified employees. The office must deny the application with respect to persons for whom the office determines are not qualified employees or for whom insufficient documentation has been provided. A business may not submit a revised application for certification or for the determination of a person as a qualified employee more than 3 months after the issuance of a notice of denial with respect to the business or a particular person as a qualified employee.

(4) The applicant for a tax credit under this section has the responsibility to affirmatively demonstrate to the satisfaction of the office and the department that the applicant and the persons claimed as qualified employees meet the requirements of this section.

(5) The total amount of tax credits under this section which may be approved by the office for all applicants is $10 million, with $5 million available to be awarded in the 2011-2012 fiscal year and $5 million available to be awarded in the 2012-2013 fiscal year.

(6) A tax credit amount that is granted under this section which is not fully used in the first year for which it becomes available, may be carried forward to the subsequent taxable year. The carryover credit may be used in the subsequent year if the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(7) A person who fraudulently claims a credit under this section is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit. Such person also commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(8) The office may adopt rules governing the manner and form of applications for the tax credit. The office may establish guidelines for making an affirmative showing of qualification for the tax credit under this section.

(9) The department may adopt rules to administer this section, including rules relating to the creation of forms to claim a tax credit and examination and audit procedures required to administer this section.

(10) This section expires June 30, 2012. However, a taxpayer that is awarded a tax credit in the second year of the program may carry forward any unused credit amount to the subsequent tax reporting period. Rules adopted by the department to administer this section shall remain valid as long as a taxpayer may use a credit against its corporate income tax liability.

Section 14. Effective July 1, 2010, section 220.1899, Florida Statutes, is created to read:

220.1899 Entertainment industry tax credit.—

(1) There shall be a credit allowed against the tax imposed by this chapter in the amounts awarded by the Office of Tourism, Trade, and Economic Development under the entertainment industry financial incentive program in s. 288.1254.

(2) A qualified production company as defined in s. 288.1254 that is awarded a tax credit under s. 288.1254 may not claim the credit before July 1, 2011, regardless of when the credit is awarded.

(3) To the extent that the amount of a tax credit exceeds the amount due on a return, the balance of the credit may be carried forward to a succeeding taxable year pursuant to s. 288.1254(4)(e).

Section 15. Subsection (1) of section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

(1) The Office of Tourism, Trade, and Economic Development shall establish a matching grant program to provide funding to regionally based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. Such matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. The Office of Tourism, Trade, and Economic Development is authorized to approve, on an annual basis, grants to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $35,000, or $100,000 in a rural area of critical economic concern recommended by the Rural Economic Development Initiative and designated by the Governor, and must be matched each year by an equivalent amount of nonstate resources.

Section 16. Effective July 1, 2010, section 288.0659, Florida Statutes, is created to read:

288.0659 Local Government Distressed Area Matching Grant Program.—

(1) The Local Government Distressed Area Matching Grant Program is created within the Office of Tourism, Trade, and Economic Development. The purpose of the program is to stimulate investment in the state's economy by providing grants to match demonstrated business assistance by local governments to attract and retain businesses in this state.

(2) As used in this section, the term:

(a) "Local government" means a county or municipality.

(b) "Office" means the Office of Tourism, Trade, and Economic Development.

(c) "Qualified business assistance" means economic incentives provided by a local government for the purpose of attracting or retaining a specific business, including, but not limited to, suspensions, waivers, or reductions of impact fees or permit fees; direct incentive payments; expenditures for onsite or offsite improvements directly benefiting a specific business; or construction or renovation of buildings for a specific business.

(3) The office may accept and administer moneys appropriated to the office for providing grants to match expenditures by local governments to attract or retain businesses in this state.

(4) A local government may apply for grants to match qualified business assistance made by the local government for the purpose of attracting or retaining a specific business. A local government may apply for no more than one grant per targeted business. A local government may only have one application pending with the office. Additional applications may be filed after a previous application has been approved or denied.

(5) To qualify for a grant, the business being targeted by a local government must create at least 15 full-time jobs, must be new to this state, must be expanding its operations in this state, or would otherwise leave the state absent state and local assistance, and the local government applying for the grant must expedite its permitting processes for the target business by accelerating the normal review and approval timelines. In addition to these requirements, the office shall review the grant requests using the following evaluation criteria, with priority given in descending order:

(a) The presence and degree of pervasive poverty, unemployment, and general distress as determined pursuant to s. 290.0058 in the area where the business will locate, with priority given to locations with greater degrees of poverty, unemployment, and general distress.

(b) The extent of reliance on the local government expenditure as an inducement for the business's location decision, with priority given to higher levels of local government expenditure.

(c) The number of new full-time jobs created, with priority given to higher numbers of jobs created.

(d) The average hourly wage for jobs created, with priority given to higher average wages.

(e) The amount of capital investment to be made by the business, with priority given to higher amounts of capital investment.

(6) In evaluating grant requests, the office shall take into consideration the need for grant assistance as it relates to the local government's general fund balance as well as local incentive programs that are already in existence.

(7) Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the office determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation which creates additional jobs. Funds made available pursuant to this section may not be used by the receiving local government to supplant matching commitments required of the local government pursuant to other state or federal incentive programs.

(8) Within 30 days after the office receives an application for a grant, the office shall approve a preliminary grant allocation or disapprove the application. The preliminary grant allocation shall be based on estimates of qualified business assistance submitted by the local government and shall equal 50 percent of the amount of the estimated qualified business assistance or $50,000, whichever is less. The preliminary grant allocation shall be executed by contract with the local government. The contract shall set forth the terms and conditions, including the timeframes within which the final grant award will be disbursed. The final grant award may not exceed the preliminary grant allocation. The office may approve preliminary grant allocations only to the extent that funds are appropriated for such grants by the Legislature.

(a) Preliminary grant allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

(b) Recipients of preliminary grant allocations shall promptly report to the office the date on which the local government's permitting and approval process is completed and the date on which all qualified business assistance are completed.

(9) The office shall make a final grant award to a local government within 30 days after receiving information from the local government sufficient to demonstrate actual qualified business assistance. An awarded grant amount shall equal 50 percent of the amount of the qualified business assistance or $50,000, whichever is less, and may not exceed the preliminary grant allocation. The amount by which a preliminary grant allocation exceeds a final grant award shall be immediately available for reallocation.

(10) Up to 2 percent of the funds appropriated annually be the Legislature for the program may be used by the office for direct administrative costs associated with implementing this section.

Section 17. Paragraph (j) of subsection (1) of section 288.1045, Florida Statutes, is amended to read:

288.1045 Qualified defense contractor and space flight business tax refund program.—

(1) DEFINITIONS.—As used in this section:

(j) "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that ~~consistent with the use of such terms by the Agency for Workforce Innovation for the purpose of unemployment compensation tax, created or retained as a direct~~ result directly from ~~of~~ a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

Section 18. Paragraphs (c), (d), and (e) of subsection (2) of section 288.106, Florida Statutes, are redesignated as paragraphs (d), (e), and (f), respectively, and paragraph (o) of subsection (1), paragraph (b) of subsection (2), paragraphs (a) and (b) of subsection (3), and subsection (8) of that section are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(1) DEFINITIONS.—As used in this section:

(o) "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the office in consultation with Enterprise Florida, Inc.:

1. Future growth.—Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to businesses that export goods or services ~~Florida's growing access~~ to international markets or to businesses that replace domestic and international ~~replacing~~ imports of goods or services.

2. Stability.—The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not typically ~~necessarily~~ subject to decline during an economic downturn.

3. High wage.—The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.—The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis, except for businesses in the renewable energy industry. ~~Special consideration should be given to the development of strong industrial clusters which include defense and homeland security businesses.~~

5. Industrial base diversification and strengthening.—The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters which include defense and homeland security businesses.

6. Economic benefits.—The industry is expected to ~~should~~ have strong positive impacts on or benefits to the state or ~~and~~ regional economies.

~~The office, in consultation with Enterprise Florida, Inc., shall develop a list of such target industries annually and submit such list as part of the final agency legislative budget request submitted pursuant to s. 216.023(1).~~ A target industry business may not include any business ~~industry~~ engaged in retail industry activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business ~~firm~~ subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and Enterprise Florida, Inc., make a determination that the community where the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including but not limited to, factors such as low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the location of such a business to the community. By January 1 of every 3rd year, beginning January 1, 2011, the office, in consultation with Enterprise Florida, Inc., economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of such target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(2) TAX REFUND; ELIGIBLE AMOUNTS.—

(b)1. Upon approval by the office ~~director~~, a qualified target industry business shall be allowed tax refund payments equal to $3,000 multiplied by ~~times~~ the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1., or equal to $6,000 multiplied by ~~times~~ the number of jobs if the project is located in a rural community ~~county~~ or an enterprise zone.

2. ~~Further,~~ A qualified target industry business shall be allowed additional tax refund payments equal to $1,000 multiplied by ~~times~~ the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1., if such jobs pay an annual average wage of at least 150 percent of the average private sector wage in the area, or equal to $2,000 multiplied by ~~times~~ the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private sector wage in the area.

3. A qualified target industry business shall be allowed tax refund payments in addition to the other payments authorized in this paragraph equal to $1,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1. if the local financial support is equal to that of the state's incentive award under subparagraph 1.

4. In addition to the other tax refund payments authorized in this paragraph, a qualified target industry business shall be allowed a tax refund payment equal to $2,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1. if the business:

a. Falls within one of the high-impact sectors designated under s. 288.108; or

b. Increases exports of its goods through a seaport or airport in the state by at least 10 percent in value or tonnage in each of the years that the business receives a tax refund under this section. For purposes of this sub-subparagraph, seaports in the state are limited to the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West.

(c) A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (4)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than $1.5 million in refunds under this section in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than $5 million in refund payments under this section in all fiscal years, or more than $7.5 million if the project is located in an enterprise zone. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation will create additional jobs.

(3) APPLICATION AND APPROVAL PROCESS.—

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business decides ~~has made the decision~~ to locate ~~a new business~~ in this state or before the business decides ~~had made the decision~~ to expand its ~~an~~ existing operations ~~business~~ in this state. The application shall include, but need ~~is~~ not be limited to, the following information:

1. The applicant's federal employer identification number and, if applicable, ~~the applicant's~~ state sales tax registration number.

2. The proposed permanent location of the applicant's facility in this state at which the project ~~is or~~ is to be located.

3. A description of the type of business activity or product covered by the project, including a minimum of a five-digit NAICS code for all activities included in the project. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President and updated periodically.

4. The proposed number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.

5. The total number of full-time equivalent employees employed by the applicant in this state, if applicable.

6. The anticipated commencement date of the project.

7. A brief statement explaining ~~concerning~~ the role that the estimated tax refunds to be requested will play in the decision of the applicant to locate or expand in this state.

8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.

9. An estimate of the proportion of the cost of the machinery and equipment, and any other resources necessary in the development of its product or service, to be used by the business in its Florida operations which will be purchased outside this state.

10.~~9.~~ A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that the project ~~certain types of businesses~~ be approved as a qualified target industry business and specifies ~~states~~ that the commitments of local financial support necessary for the target industry business exist. Before ~~In advance of~~ the passage of such resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subparagraph ~~subsection~~, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing board ~~authority~~.

11.~~10.~~ Any additional information requested by the office.

(b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:

1.a. The jobs proposed to be created ~~provided~~ under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The governing board of the county where the qualified target industry business is to be located shall notify the office and Enterprise Florida, Inc., which calculation of the average private sector wage in the area must be used as the basis for the business' wage commitment. In determining the average annual wage, the office shall include only new proposed jobs, and wages for existing jobs shall be excluded from this calculation.

b. The office may waive the average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The office may waive the wage requirement ~~may only be waived~~ for a project located in a brownfield area designated under s. 376.80, ~~or~~ in a rural city, in a rural community, ~~or county or~~ in an enterprise zone, or for a manufacturing project at any location in the state if the jobs proposed to be created pay an estimated annual average wage equaling at least 100 percent of the average private sector wage in the area where the business is to be located, ~~and~~ only if ~~when~~ the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing, and the specific justification for the waiver recommendation must be explained. If the office ~~director~~ elects to waive the wage requirement, the waiver must be stated in writing, and the reasons for granting the waiver must be explained.

2. The target industry business's project must result in the creation of at least 10 jobs at the ~~such~~ project and, in the case of ~~if~~ an expansion of an existing business, must result in a net increase in employment of at least 10 percent at the business. ~~Notwithstanding the definition of the term "expansion of an existing business" in paragraph (1)(g),~~ At the request of the local governing body recommending the project and Enterprise Florida, Inc., the office may waive this requirement for a business ~~define an "expansion of an existing business"~~ in a rural community or ~~an~~ enterprise zone ~~as the expansion of a business resulting in a net increase in employment of less than 10 percent at such business~~ if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a

request, the request must be transmitted in writing, and the specific justification for the request must be explained. If the office ~~director~~ elects to grant the request, the grant must be stated in writing and the reason for granting the request must be explained.

3. The business activity or product for the applicant's project must be ~~is~~ within an industry ~~or industries that have been~~ identified by the office as a target industry business ~~to be high-value-added industries~~ that contributes ~~contribute to the area and~~ to the economic growth of the state and the area in which the business is located, that produces ~~produce~~ a higher standard of living for residents of this state in the new global economy, or that can be shown to make an equivalent contribution to the area's ~~area~~ and state's economic progress. ~~The director must approve requests to waive the wage requirement for brownfield areas designated under s. 376.80 unless it is demonstrated that such action is not in the public interest.~~

(8) EXPIRATION.—An applicant may not be certified as qualified under this section after June 30, 2020 ~~2010~~. A tax refund agreement existing on that date shall continue in effect in accordance with its terms.

Section 19. Paragraph (f) of subsection (1) and paragraph (d) of subsection (4) of section 288.107, Florida Statutes, are amended to read:

288.107 Brownfield redevelopment bonus refunds.—

(1) DEFINITIONS.—As used in this section:

(f) "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result ~~as that term is consistent with terms used by the Agency for Workforce Innovation for the purpose of unemployment compensation tax, resulting~~ directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project and which are not associated with the implementation of the site rehabilitation as provided in s. 376.80.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(d) After entering into a tax refund agreement as provided in s. 288.106 or other similar agreement for other eligible businesses as defined in paragraph (1)(e), an eligible business may receive brownfield redevelopment bonus refunds from the account pursuant to s. 288.106(2)(d)~~(c)~~.

Section 20. Paragraphs (a) and (g) of subsection (2), paragraph (b) of subsection (3), and paragraph (a) of subsection (6) of section 288.108, Florida Statutes, are amended to read:

288.108 High-impact business.—

(2) DEFINITIONS.—As used in this section, the term:

(a) "Eligible high-impact business" means a business in one of the high-impact sectors identified by Enterprise Florida, Inc., and certified by the Office of Tourism, Trade, and Economic Development as provided in subsection (5), which is making a cumulative investment in the state of at least $50 ~~$100~~ million and creating at least 50 ~~100~~ new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least $25 ~~$75~~ million and creating at least 25 ~~75~~ new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business.

(g) "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result ~~as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting~~ directly from a project in this state. The term does not include temporary construction jobs involved in the construction of the project facility.

(3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE AMOUNTS.—

(b) The office may, in consultation with Enterprise Florida, Inc., negotiate qualified high-impact business performance grant awards for any single qualified high-impact business. In negotiating such awards, the office shall consider the following guidelines in conjunction with other relevant applicant impact and cost information and analysis as required in subsection (5). A qualified high-impact business making a cumulative investment of $50 million and creating 50 jobs may be eligible for a total qualified high-impact business performance grant of $500,000 to $1 million. A qualified high-impact business making a cumulative investment of $100 million and creating 100 jobs may be eligible for a total qualified high-impact business performance grant of $1 million to $2 million. A qualified high-impact business making a cumulative investment of $800 million and creating 800 jobs may be eligible for a qualified high-impact business performance grant of $10 million to $12 million. A qualified high-impact business engaged in research and development making a cumulative investment of $25 million and creating 25 jobs may be eligible for a total qualified high-impact business performance grant of $700,000 to $1 million. A qualified high-impact business~~,~~ engaged in research and development~~,~~ making a cumulative investment of $75 million, and creating 75 jobs may be eligible for a total qualified high-impact business performance grant of $2 million to $3 million. A qualified high-impact business~~,~~ engaged in research and development~~,~~ making a cumulative investment of $150 million, and creating 150 jobs may be eligible for a qualified high-impact business performance grant of $3.5 million to $4.5 million.

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) Enterprise Florida, Inc., shall, by January 1, of every third year, beginning January 1, 2011, ~~at its discretion,~~ initiate the process of reviewing and, if appropriate, selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector. The process of reviewing designated high-impact sectors or recommending the deactivation of a designated high-impact sector shall be in consultation with the office, economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists.

Section 21. Section 288.1083, Florida Statutes, is created to read:

288.1083 Manufacturing and Spaceport Investment Incentive Program.—

(1) The Manufacturing and Spaceport Investment Incentive Program is created within the Office of Tourism, Trade, and Economic Development. The purpose of the program is to encourage capital investment and job creation in manufacturing and spaceport activities in this state.

(2) As used in this section, the term:

(a) "Base year purchases" means the total cost of eligible equipment purchased and placed into service in this state by an eligible entity in its tax year that began in 2008.

(b) "Department" means the Department of Revenue.

(c) "Eligible entity" means an entity that manufactures, processes, compounds, or produces items for sale of tangible personal property or engages in spaceport activities. The term also includes an entity that engages in phosphate or other solid minerals severance, mining, or processing operations. The term does not include electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm that does not manufacture, process, compound, or produce for sale items of tangible personal property or that does not use such machinery and equipment in spaceport activities.

(d) "Eligible equipment" means tangible personal property or other property that has a depreciable life of 3 years or more and that is used as an integral part in the manufacturing, processing, compounding, or production of tangible personal property for sale or is exclusively used in spaceport activities, and that is located and placed into service in this state. A building and its structural components are not eligible equipment unless the building or structural component is so closely related to the industrial machinery and equipment that it houses or supports that the building or structural component can be expected to be replaced when the machinery and equipment are replaced. Heating and air-conditioning systems are not eligible equipment unless the sole justification for their installation is to meet the requirements of the production process, even though the system may provide incidental comfort to employees or serve, to an insubstantial degree, nonproduction activities. The term includes parts and accessories only to the extent that the

exemption of such parts and accessories is consistent with the provisions of this paragraph.

(e) "Eligible equipment purchases" means the cost of eligible equipment purchased and placed into service in this state in a given state fiscal year by an eligible entity in excess of the entity's base year purchases.

(f) "Office" means the Office of Tourism, Trade, and Economic Development.

(g) "Refund" means a payment to an eligible entity for the amount of state sales and use tax actually paid on eligible equipment purchases.

(3) Beginning July 1, 2010, and ending June 30, 2011, and beginning July 1, 2011, and ending June 30, 2012, sales and use tax paid in this state on eligible equipment purchases may qualify for a refund as provided in this section. The total amount of refunds that may be allocated by the office to all applicants during the period beginning July 1, 2010, and ending June 30, 2011, is $19 million. The total amount of tax refunds that may be allocated to all applicants during the period beginning July 1, 2011, and ending June 30, 2012, is $24 million. An applicant may not be allocated more than $50,000 in refunds under this section for a single year. Preliminary refund allocations that are revoked or voluntarily surrendered shall be immediately available for reallocation.

(4) To receive a refund, a business entity must first apply to the office for a tax refund allocation. The entity shall provide such information in the application as reasonably required by the office. Further, the business entity shall provide such information as is required by the office to establish the cost incurred and actual sales and use tax paid to purchase eligible equipment located and placed into service in this state during its taxable year that began in 2008.

(a) Within 30 days after the office receives an application for a refund, the office shall approve or disapprove the application.

(b) Refund allocations made during the 2010-2011 fiscal year shall be awarded in the same order in which applications are received. Eligible entities may apply to the office beginning July 1, 2010 for refunds attributable to eligible equipment purchases made during the 2010-2011 fiscal year. For the 2010-2011 fiscal year, the office shall allocate the maximum amount of $50,000 per entity until the entire $19 million available for refund in state fiscal year 2010-2011 has been allocated. If the total amount available for allocation during the 2010-2011 fiscal year is allocated, the office shall continue taking applications. Each applicant shall be informed of its place in the queue and whether the applicant received an allocation of the eligible funds.

(c) Refund allocations made during the 2011-2012 fiscal year shall first be given to any applicants remaining in the queue from the prior fiscal year. The office shall allocate the maximum amount of $50,000 per entity, first to those applicants that remained in the queue from 2010-2011 for eligible purchases in 2010-2011, then to applicants for 2011-2012 in the order applications are received for eligible purchases in 2011-2012. The office shall allocate the maximum amount of $50,000 per entity until the entire $24 million available to be allocated for refund in the 2011-2012 fiscal year is allocated. If the total amount available for refund in 2011-2012 has been allocated, the office shall continue to accept applications from eligible entities in the 2011-2012 fiscal year for refunds attributable to eligible equipment purchases made during the 2011-2012 fiscal year. Refund allocations made during the 2011-2012 fiscal year shall be awarded in the same order in which applications are received. Upon submitting an application, each applicant shall be informed of its place in the queue and whether the applicant has received an allocation of the eligible funds.

(5) Upon completion of eligible equipment purchases, a business entity that received a refund allocation from the office must apply to the office for certification of a refund. For eligible equipment purchases made during the 2010-2011 fiscal year, the application for certification must be made no later than September 1, 2011. For eligible equipment purchases made during the 2011-2012 fiscal year, the application for certification must be made no later than September 1, 2012. The application shall provide such documentation as is reasonably required by the office to calculate the refund amount including documentation necessary to confirm the cost of eligible equipment purchases supporting the claim of the sales and use tax paid thereon. Further, the business entity shall provide such documentation as required by the office to establish the entity's base year purchases. If, upon reviewing the application, the office determines that eligible equipment purchases did not occur, that the amount of tax claimed to have been paid or remitted on the eligible equipment purchases is not supported by the documentation provided, or that the information provided to the office was otherwise inaccurate, the amount of the refund allocation not substantiated shall not be certified. Otherwise, the office shall determine and certify the amount of the refund to the eligible entity and to the department within 30 days after the office receives the application for certification.

(6) Upon certification of a refund for an eligible entity, the entity shall apply to the department within 30 days for payment of the certified amount as a refund on a form prescribed by the department. The department may request documentation in support of the application and adopt emergency rules to administer the refund application process.

(7) For each of the 2010-2011 and 2011-2012 fiscal years, if the amount certified is less than the amount allocated, additional applicants shall be eligible to receive refund allocations in the order that applications are received for that year.

(8) An entity may receive refunds in each of the two years but only to the extent that the entity has eligible equipment purchases in each year. In no event may refunds for eligible equipment purchases made during 2010-11 result in more than $50,000 of refunds per entity.

(9) The office shall adopt emergency rules governing applications for, issuance of, and procedures for allocation and certification and may establish guidelines as to the requisites for an demonstrating base year purchases and eligible equipment purchases.

(10) This section is repealed July 1, 2013.

Section 22. Subsection (3) of section 288.1088, Florida Statutes, is amended, and subsections (4) and (5) are added to that section, to read:

288.1088 Quick Action Closing Fund.—

(3)(a) Enterprise Florida, Inc., shall review applications pursuant to s. 288.061 and determine the eligibility of each project consistent with the criteria in subsection (2). Enterprise Florida, Inc., in consultation with the Office of Tourism, Trade, and Economic Development, may waive these criteria based on extraordinary circumstances or in rural areas of critical economic concern if the project would significantly benefit the local or regional economy.

(b) Enterprise Florida, Inc., shall evaluate individual proposals for high-impact business facilities and forward recommendations regarding the use of moneys in the fund for such facilities to the director of the Office of Tourism, Trade, and Economic Development. Such evaluation and recommendation must include, but need not be limited to:

1. A description of the type of facility or infrastructure, its operations, and the associated product or service associated with the facility.

2. The number of full-time-equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs or, in the case of privately developed rural infrastructure, the types of business activities and jobs stimulated by the investment.

3. The cumulative amount of investment to be dedicated to the facility within a specified period.

4. A statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

5. A statement of the role the incentive is expected to play in the decision of the applicant business to locate or expand in this state or for the private investor to provide critical rural infrastructure.

6. A report evaluating the quality and value of the company submitting a proposal. The report must include:

a. A financial analysis of the company, including an evaluation of the company's short-term liquidity ratio as measured by its assets to liability, the company's profitability ratio, and the company's long-term solvency as measured by its debt-to-equity ratio;

b. The historical market performance of the company;

c. A review of any independent evaluations of the company;

d. A review of the latest audit of the company's financial statement and the related auditor's management letter; and

e. A review of any other types of audits that are related to the internal and management controls of the company.

(c)~~(b)~~ Within 22 calendar days after receiving the evaluation and recommendation from Enterprise Florida, Inc., the director of the Office of Tourism, Trade, and Economic Development shall recommend to the Governor approval or disapproval of a project for receipt of funds from the Quick Action Closing Fund. In recommending a project, the director shall include proposed performance conditions that the project must meet to obtain incentive funds. The Governor shall provide the evaluation of projects recommended for approval to the President of the Senate and the Speaker of the House of Representatives and consult with the President of the Senate and the Speaker of the House of Representatives before giving final approval for a project. At least 14 days before releasing funds for a project, the Executive Office of the Governor shall recommend approval of the ~~a~~ project and the release of funds by delivering notice of such action pursuant to the legislative consultation and review requirements set forth in s. 216.177. The recommendation must include proposed performance conditions that the project must meet in order to obtain funds. If the chair or vice-chair of the Legislative Budget Commission or the President of the Senate or the Speaker of the House of Representatives timely advises the Executive Office of the Governor, in writing, that such action or proposed action exceeds the delegated authority of the Executive Office of the Governor or is contrary to legislative policy or intent, the Executive Office of the Governor shall void the release of funds and instruct the Office of Tourism, Trade, and Economic Development to immediately change such action or proposed action until the Legislative Budget Commission or the Legislature addresses the issue. Notwithstanding such requirement, any project exceeding $2,000,000 must be approved by the Legislative Budget Commission prior to the funds being released.

(d)~~(c)~~ Upon the approval of the Governor, the director of the Office of Tourism, Trade, and Economic Development and the business shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the performance conditions that must be met to obtain the award, including, but not limited to, net new employment in the state, average salary, and total capital investment; demonstrate a baseline of current service and a measure of enhanced capability; the methodology for validating performance; the schedule of payments from the fund; and sanctions for failure to meet performance conditions. The contract must provide that payment of moneys from the fund is contingent upon sufficient appropriation of funds by the Legislature ~~and upon sufficient release of appropriated funds by the Legislative Budget Commission~~.

(e)~~(d)~~ Enterprise Florida, Inc., shall validate contractor performance. Such validation shall be reported within 6 months after completion of the contract to the Governor, President of the Senate, and the Speaker of the House of Representatives.

(4)(a) A Quick Action Closing Fund business that, pursuant to its contract, submits reports to the Office of Tourism, Trade, and Economic Development on or after January 1, 2010, but no later than June 30, 2011, on the status of the business's compliance with the performance conditions of its contract may submit a written request to the Office of Tourism, Trade, and Economic Development for renegotiation of the contract. The request must provide quantitative evidence demonstrating how the business has materially complied with the terms of the contract or how negative economic conditions in the business's industry have prevented the business from complying with the terms and conditions of the contract. The request must also include proposed adjusted performance conditions.

(b) Within 45 days after receiving a Quick Action Closing Fund business's request to renegotiate its contract, the director of the Office of Tourism, Trade, and Economic Development must provide written notice to the business of whether the request for renegotiation is granted or denied. In making such a determination, the director shall consider the extent to which the business materially complied with the terms of the contract, the extent to which negative economic conditions in the business's industry occurred in the state, the proposed adjusted performance conditions, and the business's efforts to comply with the contract.

(c) Under no circumstances is the director of the Office of Tourism, Trade, and Economic Development required or obligated to grant a business' request to renegotiate its agreement.

(d) Upon granting a business's request to renegotiate, the Office of Tourism, Trade, and Economic Development, together with Enterprise Florida, Inc., shall determine the economic impact of the adjusted performance conditions and notify the business of any waiver of specified performance conditions and any adjusted award amount associated with the proposed adjusted performance conditions. The Quick Action Closing Fund business must renegotiate its contract with the Office of Tourism, Trade, and Economic Development in accordance with any waiver granted or for the adjusted amount and agree to return the difference between the original Quick Action Closing Fund award and the adjusted award without interest or penalties. When renegotiating a contract with a Quick Action Closing Fund business, the Office of Tourism, Trade, and Economic Development may extend the duration of the contract for a period not to exceed 2 years. The Office of Tourism, Trade, and Economic Development shall notify the President of the Senate and the Speaker of the House of Representatives upon completion of any contract renegotiation. Any funds returned pursuant to this paragraph shall be reappropriated to the Office of Tourism, Trade, and Economic Development for the Quick Action Closing Fund.

(e) This subsection expires June 30, 2011.

(5) Funds appropriated by the Legislature for purposes of implementing this section shall be placed in reserve and may only be released pursuant to the legislative consultation and review requirements set forth in this section.

Section 23. Paragraph (k) of subsection (2) of section 288.1089, Florida Statutes, is amended to read:

288.1089 Innovation Incentive Program.—

(2) As used in this section, the term:

(k) "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result ~~as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting~~ directly from a project in this state. The term does not include temporary construction jobs.

Section 24. Effective July 1, 2010, section 288.125, Florida Statutes, is amended to read:

288.125 Definition of "entertainment industry".—For the purposes of ss. 288.1251-288.1258, the term "entertainment industry" means those persons or entities engaged in the operation of motion picture or television studios or recording studios; those persons or entities engaged in the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings; and those persons or entities providing products or services directly related to the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings, including, but not limited to, the broadcast industry.

Section 25. Effective July 1, 2010, paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 288.1251, Florida Statutes, are amended to read:

288.1251 Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties.—

(1) CREATION.—

(b) The Office of Tourism, Trade, and Economic Development shall conduct a national search for a qualified person to fill the position of Commissioner of Film and Entertainment, when the position is vacant. ~~and~~ The Executive Director of the Office of Tourism, Trade, and Economic Development has the responsibility to ~~shall~~ hire the commissioner ~~of Film and Entertainment~~. Qualifications for the commissioner ~~Guidelines for selection of the Commissioner of Film and Entertainment shall~~ include, but are not ~~be~~ limited to, ~~the Commissioner of Film and Entertainment having~~ the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the Office of Film and Entertainment;

2. Marketing and promotion experience related to the film and entertainment industries to be served ~~by the office~~;

3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

4. Experience working with a variety of state and local governmental agencies.

(2) POWERS AND DUTIES.—

(a) The Office of Film and Entertainment, in performance of its duties, shall:

1. In consultation with the Florida Film and Entertainment Advisory Council, update the ~~develop and implement a 5-year~~ strategic plan every 5 years to guide the activities of the Office of Film and Entertainment in the areas of entertainment industry development, marketing, promotion, liaison services, field office administration, and information. The plan~~, to be developed by no later than June 30, 2000,~~ shall:

a. Be annual in construction and ongoing in nature.

b. Include recommendations relating to the organizational structure of the office.

c. Include an annual budget projection for the office for each year of the plan.

d. Include an operational model for the office to use in implementing programs for rural and urban areas designed to:

(I) Develop and promote the state's entertainment industry.

(II) Have the office serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.

(III) Gather statistical information related to the state's entertainment industry.

(IV) Provide information and service to businesses, communities, organizations, and individuals engaged in entertainment industry activities.

(V) Administer field offices outside the state and coordinate with regional offices maintained by counties and regions of the state, as described in sub-sub-subparagraph (II), as necessary.

e. Include performance standards and measurable outcomes for the programs to be implemented by the office.

f. Include an assessment of, and make recommendations on, the feasibility of creating an alternative public-private partnership for the purpose of contracting with such a partnership for the administration of the state's entertainment industry promotion, development, marketing, and service programs.

2. Develop, market, and facilitate a ~~smooth~~ working relationship between state agencies and local governments in cooperation with local film commission offices for out-of-state and indigenous entertainment industry production entities.

3. Implement a structured methodology prescribed for coordinating activities of local offices with each other and the commissioner's office.

4. Represent the state's indigenous entertainment industry to key decisionmakers within the national and international entertainment industry, and to state and local officials.

5. Prepare an inventory and analysis of the state's entertainment industry, including, but not limited to, information on crew, related businesses, support services, job creation, talent, and economic impact and coordinate with local offices to develop an information tool for common use.

~~6. Represent key decisionmakers within the national and international entertainment industry to the indigenous entertainment industry and to state and local officials.~~

~~7. Serve as liaison between entertainment industry producers and labor organizations.~~

6.~~8.~~ Identify, solicit, and recruit entertainment production opportunities for the state.

7.~~9.~~ Assist rural communities and other small communities in the state in developing the expertise and capacity necessary for such communities to develop, market, promote, and provide services to the state's entertainment industry.

Section 26. Effective July 1, 2010, subsection (3) of section 288.1252, Florida Statutes, is amended to read:

288.1252 Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties.—

(3) MEMBERSHIP.—

(a) The council shall consist of 17 members, seven to be appointed by the Governor, five to be appointed by the President of the Senate, and five to be appointed by the Speaker of the House of Representatives~~, with the initial appointments being made no later than August 1, 1999~~.

(b) When making appointments to the council, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall appoint persons who are residents of the state and who are highly knowledgeable of, active in, and recognized leaders in Florida's motion picture, television, video, sound recording, or other entertainment industries. These persons shall include, but not be limited to, representatives of local film commissions, representatives of entertainment associations, a representative of the broadcast industry, representatives of labor organizations in the entertainment industry, and board chairs, presidents, chief executive officers, chief operating officers, or persons of comparable executive position or stature of leading or otherwise important entertainment industry businesses and offices. Council members shall be appointed in such a manner as to equitably represent the broadest spectrum of the entertainment industry and geographic areas of the state.

(c) Council members shall serve for 4-year terms~~, except that the initial terms shall be staggered:~~

~~1. The Governor shall appoint one member for a 1-year term, two members for 2-year terms, two members for 3-year terms, and two members for 4-year terms.~~

~~2. The President of the Senate shall appoint one member for a 1-year term, one member for a 2-year term, two members for 3-year terms, and one member for a 4-year term.~~

~~3. The Speaker of the House of Representatives shall appoint one member for a 1-year term, one member for a 2-year term, two members for 3-year terms, and one member for a 4-year term~~.

(d) Subsequent appointments shall be made by the official who appointed the council member whose expired term is to be filled.

(e) ~~The Commissioner of Film and Entertainment,~~ A representative of Enterprise Florida, Inc., a representative of Workforce Florida, Inc., and a representative of Visit Florida ~~the Florida Tourism Industry Marketing Corporation~~ shall serve as ex officio, nonvoting members of the council, and shall be in addition to the 17 appointed members of the council.

(f) Absence from three consecutive meetings shall result in automatic removal from the council.

(g) A vacancy on the council shall be filled for the remainder of the unexpired term by the official who appointed the vacating member.

(h) No more than one member of the council may be an employee of any one company, organization, or association.

(i) Any member shall be eligible for reappointment but may not serve more than two consecutive terms.

Section 27. Effective July 1, 2010, subsections (1), (2), and (5) of section 288.1253, Florida Statutes, are amended to read:

288.1253 Travel and entertainment expenses.—

(1) As used in this section, the term~~:~~

~~(a) "Business client" means any person, other than a state official or state employee, who receives the services of representatives of the Office of Film and Entertainment in connection with the performance of its statutory duties, including persons or representatives of entertainment industry companies considering location, relocation, or expansion of an entertainment industry business within the state.~~

~~(b) "Entertainment expenses" means the actual, necessary, and reasonable costs of providing hospitality for business clients or guests, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Chief Financial Officer.~~

~~(c) "Guest" means a person, other than a state official or state employee, authorized by the Office of Tourism, Trade, and Economic Development to~~

~~receive the hospitality of the Office of Film and Entertainment in connection with the performance of its statutory duties.~~

~~(d)~~ "travel expenses" means the actual, necessary, and reasonable costs of transportation, meals, lodging, and incidental expenses normally incurred by an employee of the Office of Film and Entertainment ~~a traveler~~, which costs are defined and prescribed by rules adopted by the Office of Tourism, Trade, and Economic Development, subject to approval by the Chief Financial Officer.

(2) Notwithstanding the provisions of s. 112.061, the Office of Tourism, Trade, and Economic Development shall adopt rules by which it may make expenditures by ~~advancement or~~ reimbursement~~, or a combination thereof,~~ to:

~~(a)~~ the Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Commissioner of Film and Entertainment, or staff of the Office of Film and Entertainment for travel expenses or entertainment expenses incurred by such individuals solely and exclusively in connection with the performance of the statutory duties of the Office of Film and Entertainment.

~~(b) The Governor, the Lieutenant Governor, security staff of the Governor or Lieutenant Governor, the Commissioner of Film and Entertainment, or staff of the Office of Film and Entertainment for travel expenses or entertainment expenses incurred by such individuals on behalf of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) solely and exclusively in connection with the performance of the statutory duties of the Office of Film and Entertainment.~~

~~(c) Third-party vendors for the travel or entertainment expenses of guests, business clients, or authorized persons as defined in s. 112.061(2)(e) incurred solely and exclusively while such persons are participating in activities or events carried out by the Office of Film and Entertainment in connection with that office's statutory duties.~~

The rules are ~~shall be~~ subject to approval by the Chief Financial Officer before adoption ~~prior to promulgation~~. The rules shall require the submission of paid receipts, or other proof of expenditure prescribed by the Chief Financial Officer, with any claim for reimbursement ~~and shall require, as a condition for any advancement of funds, an agreement to submit paid receipts or other proof of expenditure and to refund any unused portion of the advancement within 15 days after the expense is incurred or, if the advancement is made in connection with travel, within 10 working days after the traveler's return to headquarters. However, with respect to an advancement of funds made solely for travel expenses, the rules may allow paid receipts or other proof of expenditure to be submitted, and any unused portion of the advancement to be refunded, within 10 working days after the traveler's return to headquarters. Operational or promotional advancements, as defined in s. 288.35(4), obtained pursuant to this section shall not be commingled with any other state funds.~~

(5) Any claim submitted under this section is ~~shall~~ not ~~be~~ required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred as necessary travel or entertainment expenses in the performance of official duties of the Office of Film and Entertainment and shall be verified by written declaration that it is true and correct as to every material matter. Any person who willfully makes and subscribes to any claim which he or she does not believe to be true and correct as to every material matter or who willfully aids or assists in, procures, or counsels or advises with respect to, the preparation or presentation of a claim pursuant to this section that is fraudulent or false as to any material matter, whether ~~or not~~ such falsity or fraud is with the knowledge or consent of the person authorized or required to present the claim, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever receives a ~~an advancement or~~ reimbursement by means of a false claim is civilly liable, in the amount of the overpayment, for the reimbursement of the public fund from which the claim was paid.

Section 28. Effective July 1, 2010, section 288.1254, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 288.1254, F.S., for present text.)

288.1254 Entertainment industry financial incentive program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Certified production" means a qualified production that has tax credits allocated to it by the Office of Tourism, Trade, and Economic Development based on the production's estimated qualified expenditures, up to the production's maximum certified amount of tax credits, by the Office of Tourism, Trade, and Economic Development. The term does not include a production if its first day of principal photography or project start date in this state occurs before the production is certified by the Office of Tourism, Trade, and Economic Development, unless the production spans more than one fiscal year, was a certified production on its first day of principal photography or project start date in this state, and submits an application for continuing the same production for the subsequent fiscal year.

(b) "Digital media project" means a production of interactive entertainment that is produced for distribution in commercial or educational markets. The term includes a video game or production intended for Internet or wireless distribution. The term does not include a production deemed by the Office of Film and Entertainment to contain obscene content as defined in s. 847.001(10).

(c) "High-impact television series" means a production created to run multiple production seasons and having an estimated order of at least seven episodes per season and qualified expenditures of at least $625,000 per episode.

(d) "Off-season certified production" means a feature film, independent film, or television series or pilot which films 75 percent or more of its principal photography days from June 1 through November 30.

(e) "Principal photography" means the filming of major or significant components of the qualified production which involve lead actors.

(f) "Production" means a theatrical or direct-to-video motion picture; a made-for-television motion picture; visual effects or digital animation sequences produced in conjunction with a motion picture; a commercial; a music video; an industrial or educational film; an infomercial; a documentary film; a television pilot program; a presentation for a television pilot program; a television series, including, but not limited to, a drama, a reality show, a comedy, a soap opera, a telenovela, a game show, an awards show, or a miniseries production; or a digital media project by the entertainment industry. One season of a television series is considered one production. The term does not include a weather or market program; a sporting event; a sports show; a gala; a production that solicits funds; a home shopping program; a political program; a political documentary; political advertising; a gambling-related project or production; a concert production; or a local, regional, or Internet-distributed-only news show, current-events show, pornographic production, or current-affairs show. A production may be produced on or by film, tape, or otherwise by means of a motion picture camera; electronic camera or device; tape device; computer; any combination of the foregoing; or any other means, method, or device.

(g) "Production expenditures" means the costs of tangible and intangible property used for, and services performed primarily and customarily in, production, including preproduction and postproduction, but excluding costs for development, marketing, and distribution. The term includes, but is not limited to:

1. Wages, salaries, or other compensation paid to legal residents of this state, including amounts paid through payroll service companies, for technical and production crews, directors, producers, and performers.

2. Net expenditures for sound stages, backlots, production editing, digital effects, sound recordings, sets, and set construction.

3. Net expenditures for rental equipment, including, but not limited to, cameras and grip or electrical equipment.

4. Up to $300,000 of the costs of newly purchased computer software and hardware unique to the project, including servers, data processing, and visualization technologies, which are located in and used exclusively in the state for the production of digital media.

5. Expenditures for meals, travel, and accommodations. For purposes of this paragraph, the term "net expenditures" means the actual amount of money a qualified production spent for equipment or other tangible personal property, after subtracting any consideration received for reselling or transferring the item after the qualified production ends, if applicable.

(h) "Qualified expenditures" means production expenditures incurred in this state by a qualified production for:

1. Goods purchased or leased from, or services, including, but not limited to, insurance costs and bonding, payroll services, and legal fees, which are provided by, a vendor or supplier in this state that is registered with the Department of State or the Department of Revenue, has a physical location in this state, and employs one or more legal residents of this state. When services are provided by the vendor or supplier include personal services or labor, only personal services or labor provided by residents of this state, evidenced by the required documentation of residency in this state, qualify.

2. Payments to legal residents of this state in the form of salary, wages, or other compensation up to a maximum of $400,000 per resident unless otherwise specified in subsection (4). A completed declaration of residency in this state must accompany the documentation submitted to the office for reimbursement.

For a qualified production involving an event, such as an awards show, the term does not include expenditures solely associated with the event itself and not directly required by the production. The term does not include expenditures incurred before certification, with the exception of those incurred for a commercial, a music video, or the pickup of additional episodes of a high-impact television series within a single season. Under no circumstances may the qualified production include in the calculation for qualified expenditures the original purchase price for equipment or other tangible property that is later sold or transferred by the qualified production for consideration. In such cases, the qualified expenditure is the net of the original purchase price minus the consideration received upon sale or transfer.

(i) "Qualified production" means a production in this state meeting the requirements of this section. The term does not include a production:

1. In which, for the first 2 years of the incentive program, less than 50 percent, and thereafter, less than 60 percent, of the positions that make up its production cast and below-the-line production crew, or, in the case of digital media projects, less than 75 percent of such positions, are filled by legal residents of this state, whose residency is demonstrated by a valid Florida driver's license or other state-issued identification confirming residency, or students enrolled full-time in a film-and-entertainment-related course of study at an institution of higher education in this state; or

2. That is deemed by the Office of Film and Entertainment to contain obscene content as defined in s. 847.001(10).

(j) "Qualified production company" means a corporation, limited liability company, partnership, or other legal entity engaged in one or more productions in this state.

(2) CREATION AND PURPOSE OF PROGRAM.—The entertainment industry financial incentive program is created within the Office of Film and Entertainment. The purpose of this program is to encourage the use of this state as a site for filming, for the digital production of films, and to develop and sustain the workforce and infrastructure for film, digital media, and entertainment production.

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(a) Program application.—A qualified production company producing a qualified production in this state may submit a program application to the Office of Film and Entertainment for the purpose of determining qualification for an award of tax credits authorized by this section no earlier than 180 days before the first day of principal photography or project start date in this state. The applicant shall provide the Office of Film and Entertainment with information required to determine whether the production is a qualified production and to determine the qualified expenditures and other information necessary for the office to determine eligibility for the tax credit.

(b) Required documentation.—The Office of Film and Entertainment shall develop an application form for qualifying an applicant as a qualified production. The form must include, but need not be limited to, production-related information concerning employment of residents in this state, a detailed budget of planned qualified expenditures, and the applicant's signed affirmation that the information on the form has been verified and is correct. The Office of Film and Entertainment and local film commissions shall distribute the form.

(c) Application process.—The Office of Film and Entertainment shall establish a process by which an application is accepted and reviewed and by which tax credit eligibility and award amount are determined. The Office of Film and Entertainment may request assistance from a duly appointed local film commission in determining compliance with this section.

(d) Certification.—The Office of Film and Entertainment shall review the application within 15 business days after receipt. Upon its determination that the application contains all the information required by this subsection and meets the criteria set out in this section, the Office of Film and Entertainment shall qualify the applicant and recommend to the Office of Tourism, Trade, and Economic Development that the applicant be certified for the maximum tax credit award amount. Within 5 business days after receipt of the recommendation, the Office of Tourism, Trade, and Economic Development shall reject the recommendation or certify the maximum recommended tax credit award, if any, to the applicant and to the executive director of the Department of Revenue.

(e) Grounds for denial.—The Office of Film and Entertainment shall deny an application if it determines that the application is not complete or the production or application does not meet the requirements of this section.

(f) Verification of actual qualified expenditures.—

1. The Office of Film and Entertainment shall develop a process to verify the actual qualified expenditures of a certified production. The process must require:

a. A certified production to submit, in a timely manner after production ends in this state and after making all of its qualified expenditures in this state, data substantiating each qualified expenditure, including documentation on the net expenditure on equipment and other tangible personal property by the qualified production, to an independent certified public accountant licensed in this state;

b. Such accountant to conduct a compliance audit, at the certified production's expense, to substantiate each qualified expenditure and submit the results as a report, along with the required substantiating data, to the Office of Film and Entertainment; and

c. The Office of Film and Entertainment to review the accountant's submittal and report to the Office of Tourism, Trade, and Economic Development the final verified amount of actual qualified expenditures made by the certified production.

2. The Office of Tourism, Trade, and Economic Development shall determine and approve the final tax credit award amount to each certified applicant based on the final verified amount of actual qualified expenditures and shall notify the executive director of the Department of Revenue in writing that the certified production has met the requirements of the incentive program and of the final amount of the tax credit award. The final tax credit award amount may not exceed the maximum tax credit award amount certified under paragraph (d).

(g) Promoting Florida.—The Office of Film and Entertainment shall ensure that, as a condition of receiving a tax credit under this section, marketing materials promoting this state as a tourist destination or film and entertainment production destination are included, when appropriate, at no cost to the state, which must, at a minimum, include placement of a "Filmed in Florida" or "Produced in Florida" logo in the end credits. The placement of a "Filmed in Florida" or "Produced in Florida" logo on all packaging material and hard media is also required, unless such placement is prohibited by licensing or other contractual obligations. The size and placement of such logo shall be commensurate to other logos used. If no logos are used, the statement "Filmed in Florida using Florida's Entertainment Industry Financial Incentive," or a similar statement approved by the Office of Film and Entertainment, shall be used. The Office of Film and Entertainment shall provide a logo and supply it for the purposes specified in this paragraph. A 30-second "Visit Florida" promotional video must also be included on all optical disc formats of a film, unless such placement is prohibited by licensing or other contractual obligations. The 30-second promotional video shall be approved and provided by the Florida Tourism Industry Marketing Corporation in consultation with the Commissioner of Film and Entertainment.

(4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES; ELECTION AND DISTRIBUTION; CARRYFORWARD;

CONSOLIDATED RETURNS; PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND ACQUISITIONS.—

(a) Priority for tax credit award.—The priority of a qualified production for tax credit awards must be determined on a first-come, first-served basis within its appropriate queue. Each qualified production must be placed into the appropriate queue and is subject to the requirements of that queue.

(b) Tax credit eligibility.—

1. General production queue.—Ninety-four percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the general production queue. The general production queue consists of all qualified productions other than those eligible for the commercial and music video queue or the independent and emerging media production queue. A qualified production that demonstrates a minimum of $625,000 in qualified expenditures is eligible for tax credits equal to 20 percent of its actual qualified expenditures, up to a maximum of $8 million. A qualified production that incurs qualified expenditures during multiple state fiscal years may combine those expenditures to satisfy the $625,000 minimum threshold.

a. An off-season certified production that is a feature film, independent film, or television series or pilot is eligible for an additional 5-percent tax credit on actual qualified expenditures. An off-season certified production that does not complete 75 percent of principal photography due to a disruption caused by a hurricane or tropical storm may not be disqualified from eligibility for the additional 5-percent credit as a result of the disruption.

b. A qualified high-impact television series shall be allowed first position in this queue for tax credit awards not yet certified.

2. Commercial and music video queue.—Three percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the commercial and music video queue. A qualified production company that produces national or regional commercials or music videos may be eligible for a tax credit award if it demonstrates a minimum of $100,000 in qualified expenditures per national or regional commercial or music video and exceeds a combined threshold of $500,000 after combining actual qualified expenditures from qualified commercials and music videos during a single state fiscal year. After a qualified production company that produces commercials, music videos, or both reaches the threshold of $500,000, it is eligible to apply for certification for a tax credit award. The maximum credit award shall be equal to 20 percent of its actual qualified expenditures up to a maximum of $500,000. If there is a surplus at the end of a fiscal year after the Office of Film and Entertainment certifies and determines the tax credits for all qualified commercial and video projects, such surplus tax credits shall be carried forward to the following fiscal year and be available to any eligible qualified productions under the general production queue.

3. Independent and emerging media production queue.—Three percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the independent and emerging media production queue. This queue is intended to encourage Florida independent film and emerging media production. Any qualified production, excluding commercials, infomercials, or music videos, that demonstrates at least $100,000, but not more than $625,000, in total qualified expenditures is eligible for tax credits equal to 20 percent of its actual qualified expenditures. If a surplus exists at the end of a fiscal year after the Office of Film and Entertainment certifies and determines the tax credits for all qualified independent and emerging media production projects, such surplus tax credits shall be carried forward to the following fiscal year and be available to any eligible qualified productions under the general production queue.

4. Family-friendly productions.—A certified theatrical or direct-to-video motion picture production or video game determined by the Commissioner of Film and Entertainment, with the advice of the Florida Film and Entertainment Advisory Council, to be family-friendly, based on the review of the script and the review of the final release version, is eligible for an additional tax credit equal to 5 percent of its actual qualified expenditures. Family-friendly productions are those that have cross-generational appeal; would be considered suitable for viewing by children age 5 or older; are appropriate in theme, content, and language for a broad family audience; embody a responsible resolution of issues; and do not exhibit or imply any act of smoking, sex, nudity, or vulgar or profane language.

(c) Withdrawal of tax credit eligibility.—A qualified or certified production must continue on a reasonable schedule, which includes beginning principal photography or the production project in this state no more than 45 calendar days before or after the principal photography or project start date provided in the production's program application. The Office of Tourism, Trade, and Economic Development shall withdraw the eligibility of a qualified or certified production that does not continue on a reasonable schedule.

(d) Election and distribution of tax credits.—

1. A certified production company receiving a tax credit award under this section shall, at the time the credit is awarded by the Office of Tourism, Trade, and Economic Development after production is completed and all requirements to receive a credit award have been met, make an irrevocable election to apply the credit against taxes due under chapter 220, against state taxes collected or accrued under chapter 212, or against a stated combination of the two taxes. The election is binding upon any distributee, successor, transferee, or purchaser. The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of any election made pursuant to this paragraph.

2. A qualified production company is eligible for tax credits against its sales and use tax liabilities and corporate income tax liabilities as provided in this section. However, tax credits awarded under this section may not be claimed against sales and use tax liabilities or corporate income tax liabilities for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.

(e) Tax credit carryforward.—If the certified production company cannot use the entire tax credit in the taxable year or reporting period in which the credit is awarded, any excess amount may be carried forward to a succeeding taxable year or reporting period. A tax credit applied against taxes imposed under chapter 212 may be carried forward for a maximum of 5 years after the date the credit is awarded. A tax credit applied against taxes imposed under chapter 220 may be carried forward for a maximum of 5 years after the date the credit is awarded, after which the credit expires and may not be used.

(f) Consolidated returns.—A certified production company that files a Florida consolidated return as a member of an affiliated group under s. 220.131(1) may be allowed the credit on a consolidated return basis up to the amount of the tax imposed upon the consolidated group under chapter 220.

(g) Partnership and noncorporate distributions.—A qualified production company that is not a corporation as defined in s. 220.03 may elect to distribute tax credits awarded under this section to its partners or members in proportion to their respective distributive income or loss in the taxable year in which the tax credits were awarded.

(h) Mergers or acquisitions.—Tax credits available under this section to a certified production company may succeed to a surviving or acquiring entity subject to the same conditions and limitations as described in this section; however, they may not be transferred again by the surviving or acquiring entity.

(5) TRANSFER OF TAX CREDITS.—

(a) Authorization.—Upon application to the Office of Film and Entertainment and approval by the Office of Tourism, Trade, and Economic Development, a certified production company, or a partner or member that has received a distribution under paragraph (4)(g), may elect to transfer, in whole or in part, any unused credit amount granted under this section. An election to transfer any unused tax credit amount under chapter 212 or chapter 220 must be made no later than 5 years after the date the credit is awarded, after which period the credit expires and may not be used. The Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue of the election and transfer.

(b) Number of transfers permitted.—A certified production company that elects to apply a credit amount against taxes remitted under chapter 212 is permitted a one-time transfer of unused credits to one transferee. A certified production company that elects to apply a credit amount against taxes due under chapter 220 is permitted a one-time transfer of unused credits to no more than four transferees, and such transfers must occur in the same taxable year.

(c) Transferee rights and limitations.—The transferee is subject to the same rights and limitations as the certified production company awarded the

tax credit, except that the transferee may not sell or otherwise transfer the tax credit.

(6) RELINQUISHMENT OF TAX CREDITS.—

(a) Beginning July 1, 2011, a certified production company, or any person who has acquired a tax credit from a certified production company pursuant to subsections (4) and (5), may elect to relinquish the tax credit to the Department of Revenue in exchange for 90 percent of the amount of the relinquished tax credit.

(b) The Department of Revenue may approve payments to persons relinquishing tax credits pursuant to this subsection.

(c) Subject to legislative appropriation, the Department of Revenue shall request the Chief Financial Officer to issue warrants to persons relinquishing tax credits. Payments under this subsection shall be made from the funds from which the proceeds from the taxes against which the tax credits could have been applied pursuant to the irrevocable election made by the certified production company under subsection (4) are deposited.

(7) ANNUAL ALLOCATION OF TAX CREDITS.—

(a) The aggregate amount of the tax credits that may be certified pursuant to paragraph (3)(d) may not exceed:

1. For fiscal year 2010-2011, $53.5 million.

2. For fiscal year 2011-2012, $74.5 million.

3. For fiscal years 2012-2013, 2013-2014, and 2014-2015, $38 million per fiscal year.

(b) Any portion of the maximum amount of tax credits established per fiscal year in paragraph (a) that is not certified as of the end of a fiscal year shall be carried forward and made available for certification during the following two fiscal years in addition to the amounts available for certification under paragraph (a) for those fiscal years.

(c) Upon approval of the final tax credit award amount pursuant to subparagraph (3)(f)2., an amount equal to the difference between the maximum tax credit award amount previously certified under paragraph (3)(d) and the approved final tax credit award amount shall immediately be available for recertification during the current and following fiscal years in addition to the amounts available for certification under paragraph (a) for those fiscal years.

(d) If, during a fiscal year, the total amount of credits applied for, pursuant to paragraph (3)(a), exceeds the amount of credits available for certification in that fiscal year, such excess shall be treated as having been applied for on the first day of the next fiscal year in which credits remain available for certification.

(8) RULES, POLICIES, AND PROCEDURES.—

(a) The Office of Tourism, Trade, and Economic Development may adopt rules pursuant to ss. 120.536(1) and 120.54 and develop policies and procedures to implement and administer this section, including, but not limited to, rules specifying requirements for the application and approval process, records required for substantiation for tax credits, procedures for making the election in paragraph (4)(d), the manner and form of documentation required to claim tax credits awarded or transferred under this section, and marketing requirements for tax credit recipients.

(b) The Department of Revenue may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules governing the examination and audit procedures required to administer this section and the manner and form of documentation required to claim tax credits awarded, transferred, or relinquished under this section.

(9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—

(a) Audit authority.—The Department of Revenue may conduct examinations and audits as provided in s. 213.34 to verify that tax credits under this section are received, transferred, and applied according to the requirements of this section. If the Department of Revenue determines that tax credits are not received, transferred, or applied as required by this section, it may, in addition to the remedies provided in this subsection, pursue recovery of such funds pursuant to the laws and rules governing the assessment of taxes.

(b) Revocation of tax credits.—The Office of Tourism, Trade, and Economic Development may revoke or modify any written decision qualifying, certifying, or otherwise granting eligibility for tax credits under this section if it is discovered that the tax credit applicant submitted any false statement, representation, or certification in any application, record, report, plan, or other document filed in an attempt to receive tax credits under this section. The Office of Tourism, Trade, and Economic Development shall immediately notify the Department of Revenue of any revoked or modified orders affecting previously granted tax credits. Additionally, the applicant must notify the Department of Revenue of any change in its tax credit claimed.

(c) Forfeiture of tax credits.—A determination by the Department of Revenue, as a result of an audit pursuant to paragraph (a) or from information received from the Office of Film and Entertainment, that an applicant received tax credits pursuant to this section to which the applicant was not entitled is grounds for forfeiture of previously claimed and received tax credits. The applicant is responsible for returning forfeited tax credits to the Department of Revenue, and such funds shall be paid into the General Revenue Fund of the state. Tax credits purchased in good faith are not subject to forfeiture unless the transferee submitted fraudulent information in the purchase or failed to meet the requirements in subsection (5).

(d) Fraudulent claims.—Any applicant that submits fraudulent information under this section is liable for reimbursement of the reasonable costs and fees associated with the review, processing, investigation, and prosecution of the fraudulent claim. An applicant that obtains a credit payment under this section through a claim that is fraudulent is liable for reimbursement of the credit amount plus a penalty in an amount double the credit amount. The penalty is in addition to any criminal penalty to which the applicant is liable for the same acts. The applicant is also liable for costs and fees incurred by the state in investigating and prosecuting the fraudulent claim.

(10) ANNUAL REPORT.—Each October 1, the Office of Film and Entertainment shall provide an annual report for the previous fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Representatives which outlines the return on investment and economic benefits to the state.

(11) REPEAL.—This section is repealed July 1, 2015, except that:

(a) Tax credits certified under paragraph (3)(d) before July 1, 2015, may be awarded under paragraph (3)(f) on or after July 1, 2015, if the other requirements of this section are met.

(b) Tax credits carried forward under paragraph (4)(e) remain valid for the period specified.

(c) Subsections (5), (8) and (9) shall remain in effect until July 1, 2020.

Section 29. Effective July 1, 2010, subsection (5) of section 288.1258, Florida Statutes, is amended to read:

288.1258 Entertainment industry qualified production companies; application procedure; categories; duties of the Department of Revenue; records and reports.—

(5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film and Entertainment shall keep annual records from the information provided on taxpayer applications for tax exemption certificates beginning January 1, 2001. These records shall reflect a ratio ~~percentage comparison~~ of the annual amount of ~~funds exempted~~ sales and use tax exemptions under this section and incentives awarded pursuant to s. 288.1254 to the estimated amount of funds expended by certified productions, including productions that received incentives pursuant to s. 288.1254 ~~in relation to entertainment industry products~~. These records also shall reflect a separate ratio of the annual amount of sales and use tax exemptions under this section, plus the incentives awarded pursuant to s. 288.1254 to the estimated amount of funds expended by certified productions. In addition, the office shall maintain data showing annual growth in Florida-based entertainment industry companies and entertainment industry employment and wages. The Office of Film and Entertainment shall report this information to the Legislature ~~by~~ no later than December 1 of each year.

Section 30. Effective July 1, 2010, section 288.9552, Florida Statutes, is created to read:

288.9552 Florida Research Commercialization Matching Grant Program.—

(1) PURPOSE; GOALS AND OBJECTIVES; CREATION OF PROGRAM.—

(a) The purpose of the Florida Research Commercialization Matching Grant Program is to increase the amount of federal funding to this state which will produce the kind of distinctive technologies that drive today's knowledge-based economy. By leveraging federal, state, and private-sector resources, the Legislature intends that the program accelerate the innovation process and more efficiently transform research results into products in the marketplace.

(b) The matching grant program is specifically intended to be a catalyst for small or startup companies that can take advantage of federal and state grant funding in order to accelerate their growth and market penetration by helping them to overcome the funding gap faced by many small companies that are based in this state. Specific goals and objectives of the program include:

1. Increasing the amount of federal research moneys received by small businesses in this state through Phase I and Phase II awards from the Small Business Innovation Research Program and the Small Business Technology Transfer Program of the Office of Technology of the United States Small Business Administration.

2. Accelerating the entry of new technology-based products into the marketplace.

3. Producing additional technology-based jobs for the state.

4. Providing leveraged resources to increase the effectiveness and success of applicants' projects.

5. Speeding commercialization of promising technologies.

6. Encouraging the establishment and growth of high-quality, advanced technology firms in the state.

7. Accelerating the rate of investment and enhancing the state's investment infrastructure.

(c) The Florida Research Commercialization Matching Grant Program is created for the purpose of accomplishing the goals and objectives specified in this section.

(2) ADMINISTRATION.—The Florida Institute for the Commercialization of Public Research shall develop programmatic policy, ensure statewide applicability of the matching grant program, establish criteria for grant awards, approve grant awards, and annually report on program progress and results.

(3) GENERAL ELIGIBILITY GUIDELINES.—A qualified applicant for a Phase I or Phase II grant must:

(a) Be a business entity that is registered with the Secretary of State to operate in this state. The qualified applicant must also have its primary office and a majority of its employees domiciled in this state, and its principal research activities must be conducted in the state.

(b) Be a small company for which a state matching grant is necessary for project development and implementation.

(c) Use federal, local, and private resources to the maximum extent possible. Total project funding shall demonstrate that:

1. Private-sector investments offset the total cost of the project.

2. Not more than 25 percent of the project's total funding is provided by the state grant.

(d) Conduct the project funded by the matching grant program in this state.

(4) PHASE-SPECIFIC APPLICATION GUIDELINES.–

(a) A successful applicant for a grant must meet the requirements of this section and be approved by the institute. An application for a grant must be made on an application form prescribed by the institute. An applicant shall provide all information that the institute finds necessary to make the determinations required by this section.

(b) All applications for a grant fund must include the following:

1. A fully elaborated technical research or business plan, whichever applies, that is appropriate for review by outside experts as provided in this section.

2. A detailed financial analysis that includes the commitment of resources by other entities that will be involved in the project.

3. A statement of the economic development potential of the project, such as:

a. A statement of the way in which grant support will lead to significantly increased funding from federal or private sources and from private sector research partners.

b. A projection of the jobs to be created.

c. The identity, qualifications, and obligations of the applicant.

d. Any other information that the Institute considers appropriate.

(c)1. An application for a grant fund submitted by an academic researcher must be made through the office of the president of the researcher's academic institution with the express endorsement of the institution's president.

2. An application for a grant submitted by a private researcher must be made through the office of the highest ranking officer of the researcher's institution with the express endorsement of the institution.

3. Any other application must be made through the office of the highest ranking officer of the entity submitting the application. In the case of an application for a grant that is submitted jointly by one or more researchers or entities, the application must be endorsed by each institution or entity.

(d) A Phase I state grant may not be awarded unless the applicant has received a federal Phase I award. An entity may receive no more than five Phase I state grants.

(e) A qualified applicant for a Phase II state grant must have received an invitation to submit an application for a federal Phase II award or must have received a federal Phase II award. If a federal Phase II award has already been issued, the end date of the federal award must be identified and justification must be provided as to how the state funds will enhance the existing federal award. A Phase II state grant may not be awarded unless the applicant has received a federal Phase II award.

(5) PHASE I PEER REVIEW GUIDELINES.–In making a determination on a proposal intended to obtain Phase I federal funding, the institute shall be advised by a peer review panel and shall consider the following factors in evaluating the proposal:

(a) The scientific merit of the proposal.

(b) The predicted future success of federal funding for the proposal.

(c) The ability of the researcher to attract merit based scientific funding of research.

(d) The extent to which the proposal evidences interdisciplinary or inter-institutional collaboration among two or more postsecondary educational institutions or private sector partners in this state, as well as cost sharing and partnership support from the business community.

(e) The peer review panel shall be chosen by and report to the institute. In determining the composition and duties of a peer review panel, the institute shall consider the National Institutes of Health and the National Science Foundation peer review processes as models. The members of the panel must have extensive experience in federal research funding. A panel member may not have a relationship with any private entity or postsecondary educational institution in the state that would constitute a conflict of interest for the panel member. The members of a panel shall serve without compensation and are not entitled to per diem and travel expenses while in the performance of their duties.

(f) A grant for a Phase I award may not be approved by the Institute unless the proposal has received a positive recommendation from a peer review panel described in this section.

(6) PHASE II REVIEW GUIDELINES.–In making a determination on an application for a Phase II grant, the institute shall consult with experts as necessary to analyze the likelihood of success of the proposal and the relative merit of the proposal.

(7) PROGRAM ADMINISTRATOR; RESPONSIBILITIES.—The Florida Institute for the Commercialization of Public Research shall serve as program administrator. The institute may contract for the performance of a technology review and related functions with a third party. Not more than 5 percent of a legislative appropriation made for the purposes of implementing this program may be used for administering this program. The responsibilities of the Institute as the program administrator include, but are not limited to:

(a) Coordinating and supporting the grant review, approval, and contracting activities.

(b) Administering the grant-selection process, including, but not limited to, issuing open-call requests for grant applications and receiving, reviewing, and processing grant applications, and awarding grants to selected qualified applicants.

(c) Entering into a contract with each grant recipient and serving as the grant contract manager.

(d) Reporting program progress and results.

(e) Establishing a mechanism by which information regarding grant projects may be made available to facilitate additional investment by individual investors, investment for early start-up costs, or venture capital investment.

(8) APPLICATION REVIEW.—An application for a matching grant award must be reviewed and approved or denied within 45 days after receipt.

(9) AWARDS.—The matching grant program may make a one-time award of up to $50,000 per project for a Phase I grant to a qualified applicant and up to $250,000 per project for a Phase II grant to a qualified applicant. Grant funds shall be released upon completion of all contract requirements.

(10) REPORTING.—Beginning December 1, 2011, and annually thereafter, the institute shall transmit a report relating to the grants awarded under the program to the Governor, the President of the Senate, and the Speaker of the House of Representatives for the previous fiscal year.

(11) EXPIRATION.—This section expires July 1, 2013, unless reviewed and reenacted by the Legislature prior to that date.

Section 31. Effective July 1, 2010, subsections (7) through (12) of section 288.9625, Florida Statutes, are amended to read:

288.9625 Institute for the Commercialization of Public Research.—There is established the Institute for the Commercialization of Public Research.

~~(7) Enterprise Florida, Inc., shall issue a request for proposals to state universities requesting proposals to fulfill the purposes of the institute as described in this section and provide for its physical location in a major metropolitan area in the southern part of the state having extensive commercial air service to facilitate access by venture capital providers. Enterprise Florida, Inc., shall review the proposals in a committee appointed by its board of directors which shall make a recommendation for final selection. Final approval of the selected proposal must be by the board of directors of Enterprise Florida, Inc., at one of its duly noticed meetings.~~

(7)~~(8)~~(a) To be eligible for assistance, the company or organization attempting to commercialize its product must be accepted by the institute before receiving the institute's assistance.

(b) The institute shall receive recommendations from any publicly supported organization that a company that is commercializing the research, technology, or patents from a qualifying publicly supported organization should be accepted into the institute.

(c) The institute shall thereafter review the business plans and technology information of each such recommended company. If accepted, the institute shall mentor the company, develop marketing information on the company, and use its resources to attract capital investment into the company, as well as bring other resources to the company which may foster its effective management, growth, capitalization, technology protection, or marketing or business success.

(8)~~(9)~~ The institute shall:

(a) Maintain a centralized location to showcase companies and their technologies and products;

(b) Develop an efficient process to inventory and publicize companies and products that have been accepted by the institute for commercialization;

(c) Routinely communicate with private investors and venture capital organizations regarding the investment opportunities in its showcased companies;

(d) Facilitate meetings between prospective investors and eligible organizations in the institute;

(e) Hire full-time staff who understand relevant technologies needed to market companies to the angel investors and venture capital investment community; and

(f) Develop cooperative relationships with publicly supported organizations all of which work together to provide resources or special knowledge that is likely to be helpful to institute companies.

(g) Administer the Florida Research Commercialization Matching Grant Program created in s. 288.9552.

(9)~~(10)~~ The institute shall not develop or accrue any ownership, royalty, patent, or other such rights over or interest in companies or products in the institute and shall maintain the secrecy of proprietary information.

(10)~~(11)~~ The institute shall not charge for services rendered to state universities and affiliated organizations, community colleges, or state agencies.

(11)~~(12)~~ By December 1 of each year, the institute shall issue an annual report concerning its activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report shall include the following:

(a) Information on any assistance and activities provided by the institute to assist publicly supported universities, colleges, research institutes, and other publicly supported organizations in the state.

(b) A description of the benefits to this state resulting from the institute, including the number of businesses created, associated industries started, the number of jobs created, and the growth of related projects.

(c) Independently audited financial statements, including statements that show receipts and expenditures during the preceding fiscal year for personnel, administration, and operational costs of the institute.

Section 32. Section 288.9621, Florida Statutes, is amended to read:

288.9621 Short title.—This part ~~Sections 288.9621-288.9625~~ may be cited as the "Florida Capital Formation Act."

Section 33. Subsections (1) and (2) of section 288.9622, Florida Statutes, are amended to read:

288.9622 Findings and intent.—

(1) The Legislature finds and declares that there is a need to increase the availability of seed capital and early stage venture equity capital for emerging companies in the state, including, without limitation, enterprises in life sciences, information technology, advanced manufacturing processes, aviation and aerospace, and homeland security and defense, as well as other strategic technologies and infrastructure funding.

(2) It is the intent of the Legislature that this part ~~ss. 288.9621-288.9625~~ serve to mobilize private investment in a broad variety of venture capital partnerships in diversified industries and geographies; retain private sector investment criteria focused on rate of return; use the services of highly qualified managers in the venture capital industry regardless of location; facilitate the organization of the Florida Opportunity Fund as an investor in seed and early stage businesses, infrastructure projects, venture capital funds, infrastructure funds, and angel funds; and precipitate capital investment and extensions of credit to and in the Florida Opportunity Fund.

Section 34. Section 288.9623, Florida Statutes, is amended to read:

288.9623 Definitions.— As used in this part, the term ~~ss. 288.9621-288.9625~~:

(1) "Board" means the board of directors of the Florida Opportunity Fund.

(2) "Certificate" means a contract between the trust and an investment partner under which the partner, under certain conditions, may redeem such certificate for a tax credit to guarantee the partner's investment in the partnership.

(3) "Commitment agreement" means a contract between the partnership and an investment partner under which the partner commits to providing a specified amount of investment capital in exchange for an ownership interest in the partnership.

(4)~~(2)~~ "Fund" means the Florida Opportunity Fund.

(5) "Infrastructure project" means a capital project in the state for a facility or other infrastructure need in the state, a county, or a municipality with respect to any of the following: water or wastewater system, communication system, power system, transportation system, renewable energy system, ancillary or support system for any of these types of projects, or other strategic infrastructure of the state, the county, or the municipality.

(6) "Investment partner" or "partner" means a person, other than the partnership, the fund, or the trust, who purchases an ownership interest in the partnership.

(7) "Partnership" means the Florida Infrastructure Fund Partnership.

(8) "Tax credit" means a credit issued against the taxes specified in s. 288.9628(7)(c).

(9) "Trust" means the Florida Infrastructure Investment Trust.

Section 35. Section 288.9627, Florida Statutes, is created to read:

288.9627 Florida Infrastructure Fund Partnership; creation; duties.—

(1) The Florida Opportunity Fund shall facilitate the creation of the Florida Infrastructure Fund Partnership, which shall be organized and operated under chapter 620 as a private, for-profit limited partnership or limited liability partnership with the fund as a general partner. The partnership shall manage its business affairs and conduct business consistent with its organizing

documents and the purposes described in this section. However, the partnership is not an instrumentality of the state.

(2) The primary purpose of the partnership is to raise investment capital and invest the capital in infrastructure projects in the state that promote the economic development of the state, a county, or a municipality.

(3)(a) The fund, as a general partner of the partnership, shall manage the partnership's business affairs, including, but not limited to:

1. Hiring one or more investment managers to assist with management of the partnership.

2. Soliciting and negotiating the terms of, contracting for, and receiving investment capital with the assistance of the investment managers or other service providers.

3. Receiving investment returns.

4. Disbursing returns to investment partners.

5. Approving investments in order to provide financial returns together with strategic returns designed to satisfy the state's, the county's, or the municipality's infrastructure needs; result in a significant potential to create or retain jobs in this state; and further diversify the state's economy.

6. Engaging in other activities necessary to operate the partnership.

(b) The fund may lend up to $350,000 to the partnership to pay the initial expenses of organizing the partnership and soliciting investment partners.

(4)(a) The partnership shall raise funds from investment partners for investment in infrastructure projects in the state by entering into commitment agreements with such partners on terms approved by the fund's board.

(b) The Florida Infrastructure Investment Trust shall, pursuant to s. 288.9628, concurrently with the execution of a commitment agreement with an investment partner, issue a certificate redeemable for a contingent tax credit to guarantee the partner's investment in the partnership.

(c) The partnership shall provide a copy of each commitment agreement to the trust upon execution of the agreement by all parties.

(d) The partnership may enter into commitment agreements with investment partners beginning July 1, 2010. The total principal investment payable to the partnership under all commitment agreements, and the corresponding amount of the certificates issued by the trust under s. 288.9628, may not exceed the total aggregate amount of $350 million. However, if the partnership does not obtain commitment agreements totaling at least $75 million by December 1, 2011, the partnership must cancel any executed agreement and return the investment capital of each investment partner who executed an agreement.

(5)(a) The partnership may only invest in an infrastructure project:

1. That fulfills a critical infrastructure need in the state.

2. That raises enough equity or debt capital from other sources so that the total amount invested in the project is at least twice the amount invested by the partnership.

3. For which legal measures exist, appropriate to the individual project, to ensure that the project is not fraudulently closed to the detriment of the residents of the state.

(b) The partnership may not invest more than 20 percent of its total available investment capital in any single infrastructure project.

(6) The partnership may only invest in an infrastructure project based on an evaluation of the following:

(a) A written business plan for the project, including all expected revenue sources.

(b) The likelihood of the project's attracting operating capital from investment partners, grants, or other lenders.

(c) The management team for the proposed project.

(d) The project's potential for job creation in the state.

(e) The financial resources of the entity proposing the project.

(f) The existence of reasonable safeguards to ensure that the project provides a continuing benefit for residents of the state.

(g) Other factors not inconsistent with this section that are deemed by the partnership as relevant to the likelihood of the project's success.

(7) By December 1 of each year beginning in 2010, the partnership shall submit an annual report of its activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual report must include, at a minimum:

(a) An accounting of the amounts of investment capital raised and disbursed by the partnership and the progress of the partnership, including the progress of each infrastructure project in which the partnership has invested.

(b) A description of the benefits to the state that result from the partnership's investments, including a list of infrastructure projects; the benefits of those projects to the state, the county, or the municipality; the number of businesses and associated industries positively affected; the number, types, and average annual wages of the jobs created or retained; and the positive impact on the state's economy.

(c) Independently audited financial statements, including statements that show receipts and expenditures during the preceding fiscal year for the operational costs of the partnership.

(8) The partnership and the fund may not pledge the credit or taxing power of the state or any political subdivision thereof and may not make their debts payable from any moneys or resources except those of the partnership or the fund. An obligation of the partnership or the fund is not an obligation of the state or any political subdivision thereof but is an obligation of the partnership or the fund, payable exclusively from the partnership's or the fund's resources.

(9) The partnership may not invest in an infrastructure project with, or accept investment capital from, a company described in s. 215.472 or a scrutinized company as defined in s. 215.473. The entity owning an infrastructure project in which the partnership has invested must provide reasonable assurances to the partnership that the entity will not provide such company or scrutinized company with an ownership interest in the infrastructure project.

Section 36. Section 288.9628, Florida Statutes, is created to read:

288.9628 Florida Infrastructure Investment Trust; creation; duties; issuance of certificates; applications for tax credits.—

(1)(a) There is created the Florida Infrastructure Investment Trust, which shall be organized as a state beneficiary public trust to be administered by a board of trustees. The powers and duties of the board of trustees under this section are deemed to be performed for essential public purposes.

(b) The board of trustees shall consist of the Chief Financial Officer, the director of the Office of Tourism, Trade, and Economic Development, and the vice chair of Enterprise Florida, Inc., or their designees. The board of trustees shall appoint an administrative officer who may act on behalf of the trust under the direction of the board of trustees.

(c) Members of the board of trustees and its administrative officer shall serve without compensation. Neither a member nor the administrative officer may have a financial interest in any investment partner.

(2) The trust may hire consultants, retain professional services, issue certificates, sell certificates in accordance with paragraph (5)(b), expend funds, invest funds, contract, bond or insure against loss, or perform any other act necessary to administer this section.

(3)(a) The trust shall, pursuant to s. 288.9627 and this section, issue certificates redeemable for contingent tax credits to investment partners who make equity investments in the Florida Infrastructure Fund Partnership.

(b) The trust may seek reimbursement of its reasonable costs and expenses from the partnership by charging a fee for the issuance of certificates to investment partners of up to 0.25 percent of the aggregate investment capital committed to the partnership by the investment partners who are issued certificates.

(c) All certificates issued by the trust may not exceed the total aggregate amount specified in s. 288.9627(4)(d).

(d) A certificate may only be issued concurrently with a commitment agreement between the investment partner and the partnership. A certificate issued by the trust must include a specific calendar year maturity date designated by the trust of at least 12 years after issuance. A contingent tax credit may not be claimed or redeemed except by an investment partner or purchaser in accordance with this section and the terms of a certificate issued by the trust.

(e) Once the total amount of the investment capital committed by an investment partner in his or her commitment agreement is provided to the partnership by the partner, the certificate is binding, and the partnership, the trust, and the Department of Revenue may not modify, terminate, or rescind the certificate.

(4)(a) The partnership shall provide written notice to each investment partner if, on the maturity date of his or her certificate, the partner's net capital investment is greater than zero. The notice must include, at a minimum:

1. A good faith estimate of the fair market value of the partnership's assets as of the date of the notice.

2. The total capital investment of all investment partners as of the date of the notice.

3. The total amount of distributions received by the investment partners.

4. The amount of the tax credit the investment partner is entitled to be issued by the Department of Revenue.

For purposes of this section, an investment partner's net capital investment is an amount equal to the difference between the total investment capital actually advanced by the investment partner to the partnership and the amount of the aggregate actual distributions received by the investment partner.

(b) The partnership shall concurrently provide a copy of each investment partner's notice to the trust.

(c) Upon receipt of the notice from the partnership, each affected investment partner may make a one-time election to:

1. Have a tax credit issued to the investment partner;

2. Have the trust sell the partner's certificate on his or her behalf with the proceeds of the sale to be paid to the partner by the trust; or

3. Maintain the investment partner's investment in the partnership.

(d) Except as provided in paragraph (6)(d), the election made by an investment partner under paragraph (c) is final and may not be revoked or modified.

(e) An investment partner must provide written notice to the partnership and the trust of his or her election within 30 days after his or her receipt of the notice from the partnership. If an investment partner fails to provide notice within 30 days, the investment partner is deemed to have elected to maintain his or her investment in the partnership under subparagraph (c)3.

(5)(a) If an investment partner elects to have a tax credit issued to him or her, the trust shall apply to the Department of Revenue on the partner's behalf for issuance of the tax credit in his or her name. In order to receive the tax credit, the investment partner must agree in writing to transfer his or her ownership interest in the partnership to the fund.

(b) If an investment partner elects to have the trust sell his or her certificate, the trust shall exercise its best efforts to sell the certificate. In order to receive the proceeds from the trust's sale of the certificate, the investment partner must agree in writing to transfer his or her ownership interest in the partnership to the fund. A purchaser's payment for the certificate, or any portion thereof, shall be made to the trust on behalf of the investment partner or, upon the partner's request, directly to the investment partner. The trust may sell a certificate in an amount that does not exceed the lesser of:

1. The amount of the certificate issued to the investment partner; or

2. The amount necessary to yield proceeds to the investment partner equal to his or her net capital investment as of the date of the partnership's notice.

(6)(a) Within 30 days after receipt of an investment partner's election to be issued a tax credit under paragraph (5)(a), or within 30 days after the sale of a partner's certificate under paragraph (5)(b), the trust shall apply to the Department of Revenue for issuance of the tax credit on behalf of the partner or on behalf of the certificate's purchaser, as applicable. However, the trust's failure to timely submit an application to the Department of Revenue does not affect the investment partner's or certificate purchaser's eligibility for the tax credit.

(b) The trust's application for a tax credit must include the partnership's certification of the amount of tax credit to be issued, the identity of the taxpayer to whom the tax credit is to be issued, and the tax against which the credit shall be applied. The Department of Revenue shall issue the tax credit within 30 days after receipt of a timely and complete application.

(c) If an investment partner's certificate is sold by the trust under paragraph (5)(b) to more than one purchaser, the Department of Revenue shall issue tax credits to such purchasers in such amounts as designated by the trust in the application.

(d) The trust shall provide the investment partner with written notice if the trust is unable to sell the partner's certificate within 90 days after the partner's election. Within 30 days after receipt of such notice, the investment partner may:

1. Revoke his or her prior election and make a new election under paragraph (4)(c); or

2. Modify the election and have a tax credit issued to him or her for the amount of any unsold credit. Within 30 days after such modified election, the trust shall apply to the Department of Revenue in accordance with paragraph (a) for issuance of tax credits on behalf of the investment partner in the amount of any unsold credit and on behalf of the purchasers in the amount of their purchased credit.

(7)(a) The Department of Revenue may not issue more than $350 million in tax credits. The trust may not approve tax credits in excess of the total capital invested through commitment agreements.

(b) The amount of tax credits that may be claimed by the owner of the credits, or applied against state taxes, in any one state fiscal year may not exceed an amount equal to $87.5 million multiplied by a fraction the numerator of which is the amount of credits that the Department of Revenue issued to such owner and the denominator of which is the amount of all credits that the Department of Revenue issued to all tax credit owners.

(c) A tax credit issued by the Department of Revenue under this section may be used by the owner of the credit as an offset against any taxes owed to the state under chapter 212, chapter 220, or chapter 624. The offset may be applied by the owner on any return for an eligible tax due on or after the date that the credit is issued by the Department of Revenue but within 7 years after the credit is issued. The owner of the tax credit may elect to have the amount authorized in the credit, or any portion thereof, claimed as a refund of taxes paid rather than applied as an offset against eligible taxes, if such election is made within 7 years after the credit is issued.

(d) To the extent that a tax credit issued under this section is used by its owner either as a credit against taxes due or to obtain payment from the state, the amount of such credit becomes an obligation to the state by the partnership, secured exclusively by the ownership interest transferred to the fund by the investment partner whose investment generated the tax credit. In such case, the state's recovery is limited to such forfeited ownership interest. The Department of Revenue shall account for tax credits used under this section and make such information available to the partnership. The fund, as general partner, is not liable to the state for repayment of the used tax credits from the fund's separate assets unrelated to its interest in the partnership.

(8) The Department of Revenue, upon the request of the trust, shall provide the trust with a written assurance that the certificates issued by the trust will be honored by the Department of Revenue as provided in this section.

(9) Chapter 517 does not apply to the certificates and tax credits transferred or sold under this section.

Section 37. Paragraph (z) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(z) Information relative to tax credits under ss. 288.9627 and 288.9628 to the Florida Infrastructure Fund Partnership and the Florida Infrastructure Investment Trust.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 38. Subsection (7) of section 288.9913, Florida Statutes, is amended to read:

288.9913 Definitions.—As used in ss. 288.991-288.9922, the term:

(7) "Qualified active low-income community business" means a corporation, including a nonprofit corporation, or partnership that complies with each of the following:

(a)1. Derives at least 50 percent of its total gross income from the active conduct of business within any low-income community for any taxable year.;

2. Uses at least 40 percent ~~a substantial portion~~ of its tangible property, whether owned or leased, within any low-income community for any taxable year, which percentage shall be the average value of the tangible property owned or leased and used within a low-income community by the corporation or partnership divided by the average value of the total tangible property owned or leased and used by the corporation or partnership during the taxable year. The value assigned to leased property by the corporation or partnership must be reasonable.~~;~~

3. Performs at least 40 percent ~~a substantial portion~~ of its services through its employees in a low-income community for any taxable year, which percentage shall be the amount paid by the corporation or partnership for salaries, wages, and benefits to employees in a low-income community divided by the total amount paid by the corporation or partnership for salaries, wages, and benefits during the taxable year.~~;~~

4. Attributes less than 5 percent of the average of the aggregate unadjusted bases of the property of the entity to collectibles, as defined in 26 U.S.C. s. 408(m)(2), other than collectibles that are held primarily for sale to customers in the ordinary course of the business for any taxable year.~~; and~~

5. Attributes less than 5 percent of the average of the aggregate unadjusted bases of the property of the entity to nonqualified financial property, as defined in 26 U.S.C. s. 1397C(e), for any taxable year.

A corporation or partnership complies with subparagraph 1. if, as calculated in subparagraph 2., it uses at least 50 percent of its tangible property, whether owned or leased, within any low-income community for any taxable year or if, as calculated in subparagraph 3., the corporation or partnership performs at least 50 percent of its services through its employees in a low-income community for any taxable year.

(b) Is reasonably expected by a qualified community development entity at the time of an investment to continue to satisfy the requirements of paragraphs (a), (c), and (d) for the duration of the investment.

(c) Satisfies the requirements of paragraphs (a) and (b), but does not:

1. Derive or project to derive 15 percent or more of its annual revenue from the rental or sale of real estate, unless the corporation or partnership derives such revenue from the rental of real estate and the primary lessee and user of such real estate is another qualified active low-income community business that is owned or controlled by, or that is under common ownership or control with, such corporation or partnership;

2. Engage predominantly in the development or holding of intangibles for sale or license;

3. Operate a private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack, gambling facility, or a store the principal business of which is the sale of alcoholic beverages for consumption off premises; or

4. Engage principally in farming and owns or leases assets the sum of the aggregate unadjusted bases or the fair market value of which exceeds $500,000.

(d) Will create or retain jobs that pay an average wage of at least 115 percent of the federal poverty income guidelines for a family of four.

Section 39. Subsection (2) of section 288.9920, Florida Statutes, is amended to read:

288.9920 Recapture and penalties.—

(2) The office shall provide notice to the qualified community development entity and the department of a proposed recapture of a tax credit. The entity shall have 6 months ~~90 days~~ following the receipt of the notice to cure a deficiency identified in the notice and avoid recapture. The office shall issue a final order of recapture if the entity fails to cure a deficiency within the 6-month ~~90-day~~ period. The final order of recapture shall be provided to the entity, the department, and a taxpayer otherwise authorized to claim the tax credit. Only one correction is permitted for each qualified equity investment during the 7-year credit period. Recaptured funds shall be deposited into the General Revenue Fund.

Section 40. Effective July 1, 2010, section 373.441, Florida Statutes, is amended to read:

373.441 Role of counties, municipalities, and local pollution control programs in permit processing; delegation.—

(1) The department ~~in consultation with the water management districts~~ shall, by December 1, 1994, adopt rules to guide the participation of counties, municipalities, and local pollution control programs in an efficient, streamlined permitting system. Such rules must ~~shall~~ seek to increase governmental efficiency, ~~shall~~ maintain environmental standards, and ~~shall~~ include consideration of ~~the following~~:

(a) Provisions under which the environmental resource permit program are ~~shall be~~ delegated, upon approval of the department ~~and the appropriate water management districts~~, only to a county, municipality, or local pollution control program that ~~which~~ has the financial, technical, and administrative capabilities and desire to implement and enforce the program;

(b) Provisions under which a locally delegated permit program may have stricter environmental standards than state standards;

(c) Provisions for identifying and reconciling any duplicative permitting by January 1, 1995;

(d) Provisions for timely and cost-efficient notification by the reviewing agency of permit applications, and permit requirements, to counties, municipalities, local pollution control programs, the department, or water management districts, as appropriate;

(e) Provisions for ensuring the consistency of permit applications with local comprehensive plans;

(f) Provisions for the partial delegation of the environmental resource permit program to counties, municipalities, or local pollution control programs, and standards and criteria to be employed in the implementation of such delegation by counties, municipalities, and local pollution control programs;

(g) Special provisions under which the environmental resource permit program may be delegated to counties having ~~with~~ populations of 75,000 or fewer ~~less~~, or municipalities with, or local pollution control programs serving, populations of 50,000 or fewer ~~less~~; ~~and~~

(h) Provisions for the applicability of chapter 120 to local government programs when the environmental resource permit program is delegated to counties, municipalities, or local pollution control programs; and

(i) Provisions for a local government to petition the Governor and Cabinet for review of a request for a delegation of authority that is not approved or denied within 1 year after being initiated.

(2) Any denial by the department of a local government's request for a delegation of authority must provide specific detail of those statutory or rule provisions that were not satisfied. Such detail shall also include specific actions that can be taken in order to allow for the delegation of authority. A local government, upon being denied a request for a delegation of authority, may petition the Governor and Cabinet for a review of the request. The Governor and Cabinet may reverse the decision of the department and may provide any necessary conditions to allow the delegation of authority to occur.

(3) Delegation of authority shall be approved if the local government meets the requirements set forth in rule 62-344, Florida Administrative Code. This section does not require a local government to seek delegation of the environmental resource permit program.

(4)~~(2) Nothing in~~ This section does not affect ~~affects~~ or modify ~~modifies~~ land development regulations adopted by a local government to implement its comprehensive plan pursuant to chapter 163.

(5)~~(3)~~ The department shall review environmental resource permit applications for electrical distribution and transmission lines and other facilities related to the production, transmission, and distribution of electricity which are not certified under ss. 403.52-403.5365, the Florida Electric Transmission Line Siting Act, regulated under this part.

Section 41. Effective July 1, 2010, subsection (41) is added to section 403.061, Florida Statutes, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(41) Expand the use of online self-certification for appropriate exemptions and general permits issued by the department or the water management districts if such expansion is economically feasible. Notwithstanding any other provision of law, a local government may not specify the method or form for documenting that a project qualifies for an exemption or meets the

requirements for a permit under chapter 161, chapter 253, chapter 373, or this chapter. This limitation of local government authority extends to Internet-based department programs that provide for self-certification.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 42. Section 47 of chapter 2009-82, Laws of Florida, is amended to read:

Section 47. In order to implement Specific Appropriation 1570 of the 2009-2010 General Appropriations Act:

(1) The intent of the Legislature is to ensure that residents of the state derive the maximum possible economic benefit from the federal first-time homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009 by providing subordinate down payment assistance loans to first-time homebuyers for owner-occupied primary residences which can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The state program shall be called the "Florida Homebuyer Opportunity Program."

(2) The Florida Housing Finance Corporation shall administer the Florida Homebuyer Opportunity Program to optimize eligibility for conventional, VA, USDA, FHA, and other loan programs through the State Housing Initiatives Partnership program in accordance with ss. 420.907-420.9079, Florida Statutes, and the provisions of this section.

(3) Prior to December 1, 2009, or any later date established by the Internal Revenue Service for such purchases, counties and eligible municipalities receiving funds shall expend the funds appropriated under Specific Appropriation 1570A only to provide subordinate loans to prospective first-time homebuyers under the Florida Homebuyer Opportunity Program pursuant to this section, except that up to 10 percent of such funds may be used to cover administrative expenses of the counties and eligible municipalities to implement the Florida Homebuyer Opportunity Program, and not more than .25 percent may be used to compensate the Florida Housing Finance Corporation for the expenses associated with compliance monitoring. The funds appropriated under Specific Appropriation 1570A may not be used for any other program currently existing under ss. 420.907-420.9079, Florida Statutes. Thereafter, the funds shall be expended in accordance with ss. 420.907-420.9079, Florida Statutes.

(4) Notwithstanding s. 420.9075, Florida Statutes, for purposes of the Florida Homebuyer Opportunity Program, the following exceptions shall apply:

(a) The maximum income limit shall be an adjusted gross income of $75,000 for single taxpayer households or $150,000 for joint-filing taxpayer households, which is equal to that permitted by the American Recovery and Reinvestment Act of 2009;

(b) There is no requirement to reserve 30 percent of the funds for awards to very-low-income persons or 30 percent of the funds for awards to low-income persons;

(c) There is no requirement to expend 75 percent of funds for construction, rehabilitation, or emergency repair; and

(d) The principal balance of the loans provided may not exceed 10 percent of the purchase price or $8,000, whichever is less.

(5) Funds shall be expended under a newly created strategy in the local housing assistance plan to implement the Florida Homebuyer Opportunity Program.

(6) The homebuyer shall be expected to use their federal income tax refund to fully repay the loan. If the county or eligible municipality receives repayment from the homebuyer within 18 months after the closing date of the loan, the county or eligible municipality shall waive all interest charges. A homebuyer who fails to fully repay the loan within the earlier of 18 months or 10 days after the receipt of their federal income tax refund, shall be subject to repayment terms provided in the local housing assistance plan, including penalties for not using his or her refund for repayment. Penalties may not exceed 10 percent of the loan amount and shall be included in the loan agreement with the homebuyer.

(7) All funds repaid to a county or eligible municipality shall be considered "program income" as defined in s. 420.9071(24), Florida Statutes.

(8) In order to maximize the effect of the funding, the counties and eligible municipalities are encouraged to work with private lenders to provide additional funds to support the initiative. However, in all instances, the counties and eligible municipalities shall make and hold the subordinate loan.

(9) This section expires July 1, 2011 ~~2010~~.

Section 43. The Office of Program Policy Analysis and Government Accountability shall review and evaluate the Florida Enterprise Zone Program in ss. 290.001-290.014, Florida Statutes, and submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 11, 2011. The review shall include, but need not be limited to: how the program has changed over the years since it was created; whether the program is effectively and efficiently addressing the issues that precipitated its creation; the direct and indirect costs of the program to the state and local governments that participate; whether the program's tax incentives are effectively designed to benefit economically distressed or high-poverty areas and their residents and business owners; and whether the application, review, and approval processes are transparent, effective, and efficient.

Section 44. The Office of Program Policy Analysis and Government Accountability shall review and evaluate the effectiveness and viability of the Florida Research Commercialization Matching Grant Program in s. 288.9552, Florida Statutes. The office shall specifically evaluate the use of federal grants and private investment and the creation of new businesses and jobs. The office shall also recommend outcome measures for further evaluation of the program. The office shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011.

Section 45. (1) Except as provided in subsection (4), a development order issued by a local government, a building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, which has an expiration date from September 1, 2008, through January 1, 2012, is extended and renewed for a period of 2 years after its previously scheduled date of expiration. This 2-year extension also applies to buildout dates, including any extension of a buildout date that was previously granted under s. 380.06(19)(c), Florida Statutes. This section does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to the 2-year permit extension provided under section 14 of chapter 2009-96, Laws of Florida.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2010, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 46. (1) The Legislature hereby reauthorizes:

(a) Any exemption granted for any project for which an application for development approval has been approved or filed pursuant to s. 380.06, Florida Statutes, or for which a complete development application or rescission request has been approved or is pending, and the application or rescission process is continuing in good faith, within a development that is located within an area that qualified for an exemption under s. 380.06, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

(b) Any 2-year extension authorized and timely applied for pursuant to section 14 of chapter 2009-96, Laws of Florida.

(c) Any amendment to a local comprehensive plan adopted pursuant to s. 163.3184, Florida Statutes, as amended by chapter 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189, Florida Statutes, which authorizes and implements a transportation concurrency exception area pursuant to s. 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

(2) Subsection (1) is intended to be remedial in nature and to reenact provisions of existing law. This section shall apply retroactively to all actions specified in subsection (1) and therefore to any such actions lawfully undertaken in accordance with chapter 2009-96, Laws of Florida.

Section 47. The unexpended funds appropriated in Specific Appropriation 2649 of chapter 2008-152, Laws of Florida, for improvements to Launch Complex 36 on the 45th Space Wing property shall revert immediately and are reappropriated for state fiscal year 2010-2011 from the Economic Development Transportation Trust Fund for improvements to other launch complexes and space transportation facilities in order to attract new space vehicle testing and launch business to the state; to address intermodal requirements and impacts of the launch ranges, spaceports, and other space transportation facilities; to advance aerospace technology to meet the current and future needs of the United States commercial space transportation industry; and to assist in the development of joint-use facilities and technology that support aviation and aerospace operations, including high-altitude and suborbital flights and range technology development.

Section 48. The installation of fuel tank upgrades to secondary containment systems shall be completed by the deadlines specified in rule 62-761.510, Florida Administrative Code, Table UST. For fuel service station facilities that have orders issued by the Department of Environmental Protection before July 1, 2010, granting an extension to the deadline, the deadline shall be extended to September 30, 2011. Such facilities must be in compliance with all other state and federal regulations pertaining to petroleum storage systems.

Section 49. The Legislature finds that this act fulfills an important state interest.

Section 50. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 51. Effective July 1, 2010, there is appropriated for state fiscal year 2010-2011 to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor:

(1) The sum of $10 million in nonrecurring funds from the General Revenue Fund for Space Florida to address financing, business development, and infrastructure needs to assist in the continued development of the aerospace industry in this state and management of state-of-the-art facilities for space businesses that will create high-technology, high-wage-earning jobs.

(2) The sum of $3.2 million in nonrecurring funds from the General Revenue Fund exclusively for Space Florida to retrain workers as the result of the retirement of the Space Shuttle Program.

(3) The sum of $3 million in nonrecurring funds from the General Revenue Fund for the exclusive purpose of providing targeted-business-development support services and business recruitment through Space Florida. Activities and services may include, but are not limited to, securing federal programs and processes, identifying and securing new contract and grant opportunities for businesses in this state, assisting businesses in establishing operations, securing necessary qualifications and approvals, obtaining capital, and engaging company and federal officials to site new program elements including research, design, testing, and manufacturing work packages in this state. Emphasis will be placed on assisting small- to medium-sized businesses on a statewide basis. These funds may not be used for administrative or operational costs of Space Florida.

(4) The sum of $3 million in nonrecurring funds from the General Revenue Fund to provide local government distressed area matching grants pursuant to s. 288.0659, Florida Statutes. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any funds remaining from this appropriation as of June 30, 2011, shall remain available for carrying out the purpose of s. 288.0659, Florida Statutes.

(5) The sum of $1 million in nonrecurring funds from the General Revenue Fund for the purposes of the Economic Gardening Technical Assistance Pilot Program pursuant to s. 288.1082, Florida Statutes, notwithstanding section 4 of chapter 2009-13, Laws of Florida.

(6) The sum of $2 million in nonrecurring funds from the General Revenue Fund for the purposes of the Defense Infrastructure Grant Program pursuant to s. 288.980(4), Florida Statutes.

(7) The sums of $94,250 in recurring funds and $3,877 in nonrecurring funds from the General Revenue Fund and one additional full-time equivalent position and the associated salary rate of $67,001 is authorized, for the purpose of administering the provisions of this act relating to the Office of Tourism, Trade, and Economic Development.

(8) The sum of $2.9 million in nonrecurring funds from the General Revenue Fund for the Florida Export Finance Corporation for the purpose of capitalizing a self-sustaining cash collateral fund to be available to lenders participating in the corporation's existing loan guarantee program. The cash collateral fund must complement the corporation's existing loan and loan guarantee programs and otherwise comply with the requirements of part V of chapter 288, Florida Statutes.

Section 52. (1) Effective July 1, 2010, for the 2010-2011 state fiscal year, the sum of $2 million in nonrecurring funds from the General Revenue Fund is appropriated to the Board of Governors of the State University System solely for the State University Research Commercialization Assistance Grant Program, pursuant to s. 1004.226(7), Florida Statutes. The Florida Technology, Research, and Scholarship Board shall solicit proposals in accordance with s. 1004.226(7)(b), Florida Statutes, no later than August 1, 2010, and shall grant awards no later than October 30, 2010.

(2)(a) Effective July 1, 2010, there is appropriated for the 2010-2011 state fiscal year to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor:

1. The sum of $1 million in nonrecurring funds from the General Revenue Fund for the purposes of the Economic Gardening Technical Assistance Pilot Program pursuant to section 288.1082, Florida Statutes, notwithstanding section 4 of Chapter 2009-13, Laws of Florida.

2. The sum of $2 million in nonrecurring funds from the General Revenue Fund for the purposes of the Defense Infrastructure Grant Program pursuant to s. 288.980(4), Florida Statutes.

3. The sum of $15 million in nonrecurring funds from the General Revenue Fund for the purposes of the Quick Action Closing Fund pursuant to section 288.1088, Florida Statutes.

4. The sum of $2 million in nonrecurring funds from the General Revenue Fund for the Florida Export Finance Corporation for the purpose of capitalizing a self-sustaining cash collateral fund to be available to lenders participating in the corporation's existing loan guarantee program. The cash collateral fund must complement the corporation's existing loan and loan guarantee programs and otherwise comply with the requirements of part V of chapter 288, Florida Statutes.

(b) The funding provided in paragraph (a) is contingent upon the enactment of federal law which extends the enhanced Federal Medicaid Assistance Percentage rate, as provided under the American Reinvestment and Recovery Act (P.L. 111-5), from December 31, 2010, through June 30, 2011.

Section 53. Effective July 1, 2010, the sum of $3 million in nonrecurring funds from the General Revenue Fund is appropriated to the Institute for the Commercialization of Public Research solely for purposes of the Florida Research Commercialization Grant Program, pursuant to s. 288.9552, Florida Statutes, of which up to $750,000 may be used for Phase I grants.

Section 54. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to economic development; amending s. 125.045, F.S.; requiring an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the county to include the report in its annual financial audit; requiring counties to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations or successor entity; amending s. 166.021, F.S.; requiring an agency or entity that receives municipal funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the municipality to include the report in its annual financial audit; requiring municipalities to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations or successor entity; amending s. 196.1995, F.S.; authorizing counties and municipalities to extend economic development ad valorem tax exemptions under certain circumstances; amending s. 212.02, F.S.; defining the term "fractional aircraft ownership program"; amending s. 212.031, F.S.; providing a partial exemption from the tax on renting, leasing, letting, or granting a license for the use of real property for property rented, leased, subleased, or licensed to a person providing certain services at convention halls, civic centers, or public lodging establishments; providing for application only to certain portions of payments; providing for retroactive application; amending s. 212.04, F.S.; reenacting and amending an exemption of admission charges to certain events to continue the exemption; amending s. 212.05, F.S.; deleting a requirement that a certain penalty is mandatory and not waivable by the Department of Revenue; deleting authorization to return certain aircraft to the state for repairs without liability for taxes and penalty under certain circumstances; imposing a maximum limitation on the amount of tax collected on sales of boats in this state; creating s. 212.0597, F.S.; providing a maximum tax on the sale or use of fractional aircraft ownership interests; amending s. 212.08, F.S.; redefining the terms "real property" and "rehabilitation of real property" for purposes of the sales tax exemption on certain building materials used in the rehabilitation of real property used in an enterprise zone; specifying procedures to claim a sales tax credit under the entertainment industry financial incentive program; providing an exemption from the use tax for an aircraft that temporarily enters the state or is temporarily in the state for certain purposes; requiring documentation that identifies the aircraft in order to qualify for the exemption; providing that the exemption is in addition to certain other exemptions; providing tax exemptions on the sale or use of aircraft primarily used in a fractional aircraft ownership program and for the parts and labor used in the maintenance, repair, and overhaul of such aircraft; authorizing the department to adopt rules; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide tax credit information to the Office of Film and Entertainment and the Office of Tourism, Trade, and Economic Development; amending s. 220.02, F.S.; providing for tax credits pursuant to the entertainment industry financial incentive program and the jobs for the unemployed tax credit program to be taken against the corporate income tax or the franchise tax after other existing credits are taken; amending s. 220.13, F.S.; revising the calculation of additions to adjusted federal income; creating s. 220.1896, F.S.; creating the jobs for the unemployed tax credit program to provide a tax credit to certain businesses that employ certain individuals who were previously unemployed after a certain date; providing for applications for certification under the program to be reviewed by Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; providing criminal penalties for fraudulent claims of a tax credit; authorizing the Office of Tourism, Trade, and Economic Development and the Department of Revenue to adopt rules; providing for the expiration of the tax credit program; creating s. 220.1899, F.S.; providing for credits against the corporate income tax in the amounts awarded under the entertainment industry financial incentive program; providing for carryforward of the tax credits under certain circumstances; amending s. 288.018, F.S.; revising the allowable uses for matching grants awarded under the Regional Rural Development Grants Program; creating s. 288.0659, F.S.; creating the Local Government Distressed Area Matching Grant Program within the Office of Tourism, Trade, and Economic Development; providing a program purpose; providing definitions; authorizing the office to accept and administer appropriated moneys to provide local government distressed area matching grants; authorizing local governments to apply for grants to match qualified business assistance; providing qualifying requirements for targeted businesses; specifying evaluation criteria for reviewing grant requests; subjecting grant approval to legislative appropriation; providing limitations on expending funds; providing procedures for approving grant allocations or disapproving application; providing a process for making preliminary and final grant awards; providing requirements for grant recipients; providing for revocation of grants; limiting the grant amount for the qualified business assistance; authorizing the office to retain certain funds for administrative costs; amending s. 288.1045, F.S.; revising the definition of the term "jobs" for purposes of the qualified defense contractor and space flight business tax refund program; amending s. 288.106, F.S.; revising definitions, refund amounts, eligibility, requirements, and procedures for the tax refund program for qualified target industry businesses; amending s. 288.107, F.S.; revising the definition of the term "jobs" for purposes of brownfield redevelopment bonus refunds; correcting a cross-reference; amending s. 288.108, F.S.; revising the definitions of the terms "eligible high-impact business" and "jobs" for purposes of high-impact sector performance grants; revising the guidelines for negotiating the award of high-impact sector performance grants; creating s. 288.1083, F.S.; creating the Manufacturing and Spaceport Investment Incentive Program within the Office of Tourism, Trade and Economic Development; providing a purpose; providing definitions; providing for refunds of sales and use taxes paid on certain equipment purchases; providing for allocation of refunds by the office; limiting the amount of individual refunds; providing application requirements and procedures; providing for priority of allocations; providing requirements and procedures for certification of refunds for eligible equipment purchases; providing procedures for allocating surplus amounts; providing refund limitations; requiring the office to adopt emergency rules; authorizing the office to establish guideline for demonstrating certain purchases; providing for future repeal; amending s. 288.1088, F.S.; revising the process for legislative consultation and review of Quick Action Closing Fund projects; authorizing certain Quick Action Closing Fund businesses to request renegotiation of their contracts; providing for review and approval of the requests; providing for the return of funds under certain circumstances; providing for the reappropriation of returned funds; providing for expiration; requiring that certain funds be placed in reserve; providing for the release of funds; providing for the reversion of funds; amending s. 288.1089, F.S.; revising the definitions of the term "jobs" for purposes of the Innovation Incentive Program; amending s. 288.125, F.S.; redefining the term "entertainment industry" to include digital media projects; amending s. 288.1251, F.S.; requiring the Office of Film and Entertainment to update its strategic plan every 5 years; deleting requirements for the Office of Film and Entertainment to represent certain decisionmakers within the entertainment industry and to act as a liaison between entertainment industry producers and labor organizations; amending s. 288.1252, F.S.; deleting obsolete provisions; deleting the requirement for the Commissioner of Film and Entertainment and a representative of the Florida Tourism Marketing Council to serve as ex officio members of the Film and Entertainment Advisory Council; amending s. 288.1253, F.S.; eliminating provisions authorizing the payment of travel expenses to persons other than employees of the Office of Film and Entertainment, the Governor and Lieutenant Governor, and security staff; providing for the payment of travel expenses through reimbursements; amending s. 288.1254, F.S.; revising the entertainment industry financial incentive program to provide corporate

income tax and sales and use tax credits to qualified entertainment entities rather than reimbursements from appropriations; revising provisions relating to definitions, creation and scope, application procedures, approval process, eligibility, required documents, qualified and certified productions, and annual reports; providing duties and responsibilities of the Office of Film and Entertainment, the Office of Tourism, Trade, and Economic Development, and the Department of Revenue relating to the tax credits; providing criteria and limitations for awards of tax credits; providing for uses, allocations, election, distributions, and carryforward of the tax credits; providing for withdrawal of tax credit eligibility; providing for use of consolidated returns; providing for partnership and noncorporate distributions of tax credits; providing for succession of tax credits; providing for relinquishment of tax credits; providing requirements for transfer of tax credits; authorizing the Office of Tourism, Trade, and Economic Development to adopt rules, policies, and procedures; authorizing the Department of Revenue to adopt rules and conduct audits; providing for revocation and forfeiture of tax credits; providing liability for reimbursement of certain costs and fees associated with a fraudulent claim; requiring an annual report to the Governor and the Legislature; providing for future repeal; amending s. 288.1258, F.S.; requiring the Office of Film and Entertainment to include in its records certain ratios of tax exemptions and incentives to the estimated funds expended by a certified production; creating s. 288.9552, F.S.; creating the Florida Research Commercialization Matching Grant Program; providing program purposes, goals and objectives; providing for administration of the program by the Florida Institute for the Commercialization of Public Research; providing eligibility guidelines; providing application guidelines; providing peer review guidelines; providing responsibilities of the program administrator; providing application review requirements and procedures; providing for grant awards; providing reporting requirements; providing for expiration unless reviewed and reenacted; amending s. 288.9625, F.S.; revising the purpose of the Institute for the Commercialization of Public Research; deleting a requirement that Enterprise Florida, Inc., contract with a state university to fulfill the purposes of the institute; revising the institute's powers and duties; requiring the institute to administer a matching grant program to provide financial assistance for certain early stage companies; amending ss. 288.9621, 288.9622, and 288.9623, F.S.; conforming a short title, revising legislative findings and intent, and providing definitions for the Florida Capital Formation Act; conforming cross-references; creating s. 288.9627, F.S.; providing for creation of the Florida Infrastructure Fund Partnership; providing the partnership's purpose and duties; providing for management of the partnership by the Florida Opportunity Fund; authorizing the fund to lend moneys to the partnership; requiring the partnership to raise funds from investment partners; providing for commitment agreements with and issuance of certificates to investment partners; authorizing the partnership to invest in certain infrastructure projects; requiring the partnership to submit an annual report to the Governor and Legislature; prohibiting the partnership and the fund from pledging the credit or taxing power of the state or its political subdivisions; prohibiting the partnership from investing in projects with or accepting investments from certain companies; creating s. 288.9628, F.S.; creating the Florida Infrastructure Investment Trust; providing for powers and duties, a board of trustees, and an administrative officer of the trust; providing for the trust's issuance of certificates to investment partners who invest in the partnership; specifying that the certificates are redeemable for tax credits under certain conditions; authorizing the trust to charge fees; limiting the amount of tax credits issued and the amount of tax credits that may be claimed or applied against state taxes in any year; providing for the redemption or sale of certificates; providing for the issuance of the tax credits by the Department of Revenue; specifying the taxes against which the credits may be applied; limiting the period within which tax credits may be used; providing for the state's obligation for use of the tax credits; limiting the liability of the fund; requiring the department to provide a certain written assurance to the trust under certain circumstances; specifying that certain provisions regulating securities transactions do not apply to certificates and tax credits transferred or sold under the act; amending s. 213.053, F.S.; authorizing the department to provide tax credit information to the partnership and the trust; amending s. 288.9913, F.S.; revising the definition of the term "qualified active low-income community business" for purposes of the New Markets Development Program Act; amending s. 288.9920, F.S.; extending the period within which a qualified community development entity may cure an investment deficiency; limiting the number of corrections permitted for qualified equity investments; amending s. 373.441, F.S.; revising provisions relating to adoption of rules relating to permitting; requiring the Department of Environmental Protection to adopt rules that authorize a local government to petition the Governor and Cabinet for certain delegation requests; requiring the Department of Environmental Protection to detail the statutes or rules that were not satisfied by a local government that made a request for delegation and to detail actions that could be taken to allow for delegation; authorizing a local government to petition the Governor and Cabinet to review the denial of a delegation request; providing for approval of a delegation of authority that meets the requirements of certain rule provisions; amending s. 403.061, F.S.; directing the Department of Environmental Protection to expand the use of online self-certification for certain exemptions and permits; limiting the authority of local governments to specify the method or form for documenting that projects qualify for exemptions or permits; amending s. 47 of chapter 2009-82, Laws of Florida; delaying the expiration of the Florida Homebuyer Opportunity Program; requiring the Office of Program Policy Analysis and Government Accountability to review the Enterprise Zone Program and submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring the Office of Program Policy Analysis and Government Accountability to review and evaluate the Research Commercialization Matching Grant Program and submit a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives; extending the expiration dates of certain permits issued by the Department of Environmental Protection or a water management district; extending certain previously granted buildout dates; requiring a permitholder to notify the authorizing agency of its intended use of the extension; exempting certain permits from eligibility for an extension; providing for applicability of rules governing permits; declaring that certain provisions do not impair the authority of counties and municipalities under certain circumstances; providing legislative intent; reauthorizing certain exemptions, 2-year extensions, and local comprehensive plan amendments granted, authorized, or adopted under general law and in effect as of a certain date; providing construction; providing for retroactive application; authorizing the funds in specific appropriation 2649 of chapter 2008-152, Laws of Florida, to be used for additional space-related economic-development purposes; specifying requirements for fuel tank upgrades; extending certain fuel service facility order deadlines; specifying compliance requirements; providing a finding that the act fulfills an important state interest; providing severability; providing appropriations; providing effective dates.

Rep. Bogdanoff moved the adoption of the amendment.

THE SPEAKER PRO TEMPORE IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative Eisnaugle offered the following:

(Amendment Bar Code: 308761)

Amendment 1 to Amendment 1—Remove line 3132 and insert:
management of the partnership through a national solicitation for qualified investment managers for the raising and investing of capital by the partnership. Any proposed investment plan must address the investment manager's level of experience, quality of management, investment philosophy and process, demonstrable success in fundraising, and prior investment results.

Rep. Eisnaugle moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 1964—A bill to be entitled An act relating to design professionals; creating s. 558.0035, F.S.; providing for limited liability for engineers, surveyors and mappers, architects, interior designers, and registered landscape architects as a result of construction defects resulting from the performance of a contract; providing that, if a contract requires professional liability insurance, the contract may not limit the liability of the design professional inconsistent with the insurance requirements; providing exceptions to the limitation of liability of the design professional; amending ss. 471.023, 472.021, 481.219, and 481.319, F.S.; conforming sections to the limitation of liability for certain design professionals provided in s. 558.0035, F.S.; providing cross-references to s. 558.0035, F.S.; providing that the act does not affect contracts or agreements entered into, or professional services performed, before July 1, 2010; providing an effective date.

—was read the second time by title.

On motion by Rep. Precourt, CS for CS for SB 1964 was substituted for CS/HB 701. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 318—A bill to be entitled An act relating to wildlife regulation; amending s. 379.231, F.S.; prohibiting the import or release of nonnative animals in this state unless authorized by the Fish and Wildlife Commission; conforming a cross-reference to changes made by the act; amending s. 379.372, F.S.; prohibiting persons or entities from keeping, possessing, importing, selling, bartering, trading, or breeding certain reptiles in this state; providing exceptions; providing that such prohibitions do not apply to specified zoological facilities; amending s. 379.374, F.S.; providing bonding requirements for the possession of certain wildlife; amending s. 379.3761, F.S.; requiring that any person or entity wishing to keep wildlife in captivity or sell specified species of wildlife obtain a permit from the commission; amending s. 379.401, F.S.; removing a provision classifying the importation of nonindigenous species a Level Three violation; amending s. 479.4015, F.S.; classifying violations relating to the importation, sale, introduction, and release of certain types of nonnative wildlife into this state; requiring the imposition of minimum fines for certain violations; authorizing the commission to impose specified civil penalties for certain violations of state law; limiting the amount of such penalties; authorizing the commission to consider certain factors when determining the amount of such penalty; requiring that the proceeds from the payment of such penalties be deposited into the State Game Trust Fund and used for specified purposes; requiring that the commission submit a report containing certain information to the President of the Senate and the Speaker of the House of Representatives on or before a specified deadline; requiring that the commission annually evaluate the placement of additional species on the list of reptiles of concern beginning by a specified date; amending ss. 379.101, 379.244, 379.26, 379.304, 379.361, 379.363, and 379.3762, F.S.; revising terminology to conform to changes made by the act; providing an effective date.

—was read the second time by title.

On motion by Rep. T. Williams, CS for SB 318 was substituted for CS/CS/HB 709. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for CS for SB 2086—A bill to be entitled An act relating to consumer debt collection; creating s. 559.5556, F.S.; requiring a consumer debt collection agency to maintain records; amending s. 559.565, F.S.; increasing the administrative fine imposed against an out-of-state consumer debt collector that fails to register as required; revising provisions relating to authorized activities of the Attorney General; amending s. 559.715, F.S.; revising requirements for providing written notice of the assignment of debt; amending s. 559.72, F.S.; revising prohibited acts with respect to consumer debt collection; revising provisions governing violations of communication procedures; amending s. 559.725, F.S.; revising provisions relating to consumer complaints about a consumer collection agency; authorizing the Attorney General to take action against a person for violations involving debt collection; creating s. 669.726, F.S.; providing for the issuance of subpoenas by the Office of Financial Regulation; creating s. 559.727, F.S.; authorizing the office to issue cease and desist orders; amending s. 559.730, F.S.; revising provisions relating to administrative remedies; increasing the maximum penalty; authorizing the Financial Services Commission to adopt rules relating to penalty guidelines; amending s. 559.77, F.S., relating to civil remedies; conforming provisions to federal law; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS for CS for CS for SB 1196—A bill to be entitled An act relating to community associations; amending s. 399.02, F.S.; exempting certain elevators from specific code update requirements; providing a phase-in period for such elevators; amending s. 617.0721, F.S.; revising the limitations on the right of members to vote on corporate matters for certain corporations not for profit that are regulated under ch. 718 or ch. 719, F.S.; amending s. 617.0808, F.S.; excepting certain corporations not for profit that are an association as defined in s. 720.301, F.S., or a corporation regulated under ch. 718 or ch. 719, F.S., from certain provisions relating to the removal of a director; creating s. 617.1606, F.S.; providing that certain statutory provisions providing for the inspection of corporate records do not apply to a corporation not for profit that is an association as defined in s. 720.301, or a corporation regulated under ch. 718 or ch. 719, F.S.; creating s. 627.714, F.S.; requiring that coverage under a unit owner's policy for certain assessments include at least a minimum amount of loss assessment coverage; specifying the maximum amount of any unit owner's loss assessment coverage that can be assessed for any loss; providing that certain changes to the limits of a unit owner's coverage for loss assessments made on or after a specified period before the date of loss do not apply to the loss; providing that certain insurers are not required to pay more than an amount equal to that unit owner's loss assessment coverage limit; requiring that every property insurance policy to an individual unit owner contain a specified provision; amending s. 633.0215, F.S.; exempting certain residential buildings from a requirement to install a manual fire alarm system; amending s. 718.103, F.S.; redefining the term "developer"; amending s. 718.110, F.S.; allowing the condominium association to have the authority to restrict through an amendment to a declaration of condominium, rather than prohibit, the rental of condominium units; authorizing the classification of certain portions of common elements as limited common elements upon receipt of the required vote to amend a declaration; providing that such reclassification is not an amendment pursuant to specified provisions of state law; amending s. 718.111, F.S.; deleting a requirement for the board of a condominium to hold a meeting open to unit owners to establish the amount of an insurance deductible; revising the property to which a property insurance policy for a condominium association applies; revising the requirements for a condominium unit owner's property insurance policy; limiting the circumstances under which a person who violates requirements to maintain association records may be personally liable for a civil penalty; providing that a condominium association is not responsible for the use of certain information provided to an association member under certain circumstances; specifying records of a condominium association which are exempt from a requirement that records be available for inspection by an association member; increasing the amount of time within which a condominium association must provide unit owners with a copy of the association's annual financial report; revising the requirements for rules relating to the financial report that must be adopted by the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation; revising the requirements for a financial report based on the amount of a condominium's revenues; amending s. 718.112, F.S.; revising provisions relating to the terms or appointment or election of condominium members to a board of administration; creating exceptions to

such provisions for condominiums that contain timeshares; specifying a certification that a person who is appointed or elected to a board of administration must make or educational requirements such board member must satisfy; conforming cross-references to changes made by the act; deleting a provision prohibiting an association from foregoing the retrofitting with a fire sprinkler system of common areas in a high-rise building; prohibiting local authorities having jurisdiction from requiring retrofitting with a sprinkler system or other engineered lifesafety system before a specified date; requiring that certain associations initiate, before a specified date, an application for a building permit for the required fire sprinkler installation with the local government having jurisdiction demonstrating that the association will be in compliance with certain firesafety requirements by a specified date; authorizing an association to forgo retrofitting under certain circumstances; providing requirements for a special meeting of unit owners which may be called every 3 years in order to vote to forgo retrofitting of the sprinkler system or other engineered lifesafety systems; providing meeting notice requirements; expanding the monetary obligations that a director or officer must satisfy to avoid abandoning his or her office; amending s. 718.115, F.S.; specifying certain services provided in a declaration of condominium which are obtained pursuant to a bulk contract to be deemed a common expense; specifying provisions that must be contained in a bulk contract; specifying cancellation procedures for bulk contracts; amending s. 718.116, F.S.; increasing the period of accrual of certain assessments used to determine the amount of limited liability of certain first mortgagees or their successors or assignees; requiring a tenant in a unit owned by a person who is delinquent in the payment of a monetary obligation to the condominium association to pay rent to the association under certain circumstances; authorizing the condominium association to sue such tenant who fails to pay rent for eviction under certain circumstances; providing that the tenant is immune from claims from the unit owner as the result of paying rent to the association under certain circumstances; amending s. 718.117, F.S.; revising the circumstances under which a condominium association may be terminated due to economic waste or impossibility; revising provisions specifying the effect of a termination of condominium; amending s. 718.202, F.S.; authorizing the deposit of certain funds into multiple escrow accounts; requiring that an escrow agent maintain separate accounting records for each purchaser under certain circumstances; amending s. 718.301, F.S.; revising conditions under which unit owners other than the developer may elect at least a majority of the members of the board of administration of an association; amending s. 718.303, F.S.; authorizing an association to suspend for a reasonable time the right of a unit owner or the unit's occupant, licensee, or invitee to use certain common elements under certain circumstances; prohibiting a fine from being levied or a suspension from being imposed unless the association meets certain requirements for notice and provides an opportunity for a hearing; authorizing an association to suspend voting rights of a member due to nonpayment of assessments, fines, or other charges under certain circumstances; amending s. 718.501, F.S.; specifying that the jurisdiction of the Division of Florida Condominiums, Timeshares, and Mobile Homes includes bulk assignees and bulk buyers; creating part VII of ch. 718, F.S.; creating the "Distressed Condominium Relief Act"; providing legislative findings and intent; defining the terms "bulk assignee" and "bulk buyer"; providing for the assignment of developer rights by a bulk assignee; specifying liabilities of bulk assignees and bulk buyers; providing exceptions; providing additional responsibilities of bulk assignees and bulk buyers; authorizing certain entities to assign developer rights to a bulk assignee; limiting the number of bulk assignees at any given time; providing for the transfer of control of a board of administration to unit owners; providing effects of such transfer on parcels acquired by a bulk assignee; providing obligations of a bulk assignee upon the transfer of control of a board of administration; requiring that a bulk assignee certify certain information in writing; providing for the resolution of a conflict between specified provisions of state law; providing that the failure of a bulk assignee or bulk buyer to comply with specified provisions of state law results in the loss of certain protections and exemptions; requiring that a bulk assignee or bulk buyer file certain information with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation before offering any units for sale or lease in excess of a specified term; requiring that a copy of such information be provided to a prospective purchaser or tenant; requiring that certain contracts and disclosure statements contain specified statements; requiring that a bulk assignee or bulk buyer comply with certain disclosure requirements; prohibiting a bulk assignee from authorizing certain actions on behalf of an association while the bulk assignee is in control of the board of administration of the association; requiring that a bulk assignee or bulk buyer comply with certain laws with respect to contracts entered into by the association while the bulk assignee or bulk buyer was in control of the board of administration; providing parcel owners with specified protections regarding certain contracts; requiring that a bulk buyer comply with certain requirements regarding the transfer of a parcel; prohibiting a person from being classified as a bulk assignee or bulk buyer unless condominium parcels were acquired before a specified date; providing that the assignment of developer rights to a bulk assignee does not release a developer from certain liabilities; amending s. 719.106, F.S.; providing for the filling of vacancies on the condominium board of administration; amending s. 719.1055, F.S.; providing an additional required provision in cooperative bylaws; deleting a provision prohibiting an association from foregoing the retrofitting with a fire sprinkler system of common areas in a high-rise building; prohibiting local authorities having jurisdiction from requiring retrofitting with a sprinkler system or other engineered lifesafety system before a specified date; providing requirements for a special meeting of unit owners which may be called every 3 years in order to vote to require retrofitting of the sprinkler system or other engineered lifesafety system; providing meeting notice requirements; amending s. 719.108, F.S.; providing a prioritized list for disbursement of payments received by an association; providing for a lien by an association on a condominium unit for certain fees and costs; providing procedures and notice requirements for the filing of a lien by an association; requiring a tenant in a unit owned by a person who is delinquent in the payment of a monetary obligation to the condominium association to pay rent to the association under certain circumstances; amending s. 720.303, F.S.; revising provisions relating to homeowners' association board meetings, inspection and copying of records, and reserve accounts of budgets; expanding the list of association records that are not accessible to members and parcel owners; prohibiting certain association personnel from receiving a salary or compensation; providing exceptions; amending s. 720.304, F.S.; providing that a flagpole and any flagpole display are subject to certain codes and regulations; amending s. 720.305, F.S.; authorizing the association to suspend rights to use common areas and facilities if the member is delinquent on the payment of a monetary obligation due for a certain period of time; providing procedures and notice requirements for levying a fine or imposing a suspension; amending s. 720.306, F.S.; providing requirements for secret ballots; providing procedures for filling a vacancy on the board of directors; amending s. 720.3085, F.S.; requiring a tenant in a property owned by a person who is delinquent in the payment of a monetary obligation to the condominium association to pay rent to the association under certain circumstances; amending s. 720.31, F.S.; authorizing an association to enter into certain agreements to use lands or facilities; requiring that certain items be stated and fully described in the declaration; limiting an association's power to enter into such agreements after a specified period following the recording of a declaration; requiring that certain agreements be approved by a specified percentage of voting interests of an association when the declaration is silent as to the authority of an association to enter into such agreement; authorizing an association to join with other associations or a master association under certain circumstances and for specified purposes; creating s. 720.315, F.S.; prohibiting the board of directors of a homeowners' association from levying a special assessment before turnover of the association by the developer unless certain conditions are met; providing an effective date.

—was read the second time by title.

On motion by Rep. Bogdanoff, CS for CS for CS for SB 1196 was substituted for CS/CS/CS/HB 561. Under Rule 5.13, the House bill was laid on the table.

Representative Skidmore offered the following:

(Amendment Bar Code: 350183)

Amendment 1 (with title amendment)—Remove line 972 and insert:
otherwise, unless otherwise provided in this chapter. All unit owners have the right to be a candidate for board membership. Subject to the restrictions in the governing documents of the association, any person eligible under s. 617.0802 has the right to be a candidate for board membership.

T I T L E A M E N D M E N T

Remove line 75 and insert:
contain timeshares; providing certain persons with the right to be a candidate for board membership; specifying a certification that a

Amendment 1 was temporarily postponed.

Representative Skidmore offered the following:

(Amendment Bar Code: 582885)

Amendment 2 (with directory and title amendments)—Remove line 1284 and insert:
(5)(a) The association has a lien on each condominium parcel to secure the payment of assessments, any authorized administrative late fees, and any reasonable costs for collection services for which the association has contracted. Except as otherwise provided in subsection (1) and as set forth below, the lien is effective from and shall relate back to the recording of the original declaration of condominium, or, in the case of lien on a parcel located in a phase condominium, the last to occur of the recording of the original declaration or amendment thereto creating the parcel. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien in the public records of the county in which the condominium parcel is located. Nothing in this subsection shall be construed to bestow upon any lien, mortgage, or certified judgment of record on April 1, 1992, including the lien for unpaid assessments created herein, a priority which, by law, the lien, mortgage, or judgment did not have before that date.

D I R E C T O R Y A M E N D M E N T

Remove line 1242 and insert:
(3), and paragraphs (a) and (b) of subsection (5) of section 718.116,

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T I T L E A M E N D M E N T

Remove line 106 and insert:
s. 718.116, F.S.; providing for a lien by an association on a condominium unit for certain fees and costs; increasing the period of accrual of

Amendment 2 was temporarily postponed.

Representative Skidmore offered the following:

(Amendment Bar Code: 867115)

Amendment 3 (with directory and title amendments)—Between lines 2894 and 2895, insert:
(1) When authorized by the governing documents, the association has a lien on each parcel to secure the payment of assessments, any authorized administrative late fees, any reasonable costs for collection services for which the association has contracted, and other amounts provided for by this section. Except as otherwise set forth in this section, the lien is effective from and shall relate back to the date on which the original declaration of the community was recorded. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien in the public records of the county in which the parcel is located. This subsection does not bestow upon any lien, mortgage, or certified judgment of record on July 1, 2008, including the lien for unpaid assessments created in this section, a priority that, by law, the lien, mortgage, or judgment did not have before July 1, 2008.

D I R E C T O R Y A M E N D M E N T

Remove lines 2892-2893 and insert:
Section 26. Subsection (1) of section 720.3085, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

T I T L E A M E N D M E N T

Remove line 235 and insert:
amending s. 720.3085, F.S.; providing for a lien by an association for certain fees and costs; requiring a tenant in a

Amendment 3 was temporarily postponed.

Representative Robaina offered the following:

(Amendment Bar Code: 432659)

Amendment 4 (with title amendment)—Between lines 2976 and 2977, insert:
Section 29. Subsection (10) is added to section 20.165, Florida Statutes, to read:
20.165 Department of Business and Professional Regulation.—There is created a Department of Business and Professional Regulation.
(10) All employees authorized by the Division of Florida Condominiums, Timeshares, and Mobile Homes shall have access to and shall have the right to examine and inspect the premises, books, and records of any condominium, cooperative, timeshare, or mobile home park regulated by the division. Such employees shall also have access to and shall have the right to examine and inspect the books and records of any community association manager or firm employed by any condominium, cooperative, timeshare, or mobile home park regulated by the division.
Section 30. Paragraph (b) of subsection (2) of section 468.436, Florida Statutes, is amended, and subsection (6) is added to that section, to read:
468.436 Disciplinary proceedings.—
(2) The following acts constitute grounds for which the disciplinary actions in subsection (4) may be taken:
(b)1. Violation of any provision of this part.
2. Violation of any lawful order or rule rendered or adopted by the department or the council.
3. Being convicted of or pleading nolo contendere to a felony in any court in the United States.
4. Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.
5. Committing acts of ~~gross~~ misconduct or ~~gross~~ negligence in connection with the profession.
6. Contracting, on behalf of an association, with any entity in which the licensee has a financial interest that is not disclosed.
(6) Upon the fifth or later finding that a community association manager is guilty of any of the grounds set forth in subsection (2), or upon the third or later finding that a community association manager is guilty of a specific ground for which the disciplinary actions set forth in subsection (2) may be taken, the department's discretion under subsection (4) shall not apply and the division shall enter an order permanently revoking the license.

T I T L E A M E N D M E N T

Remove line 256 and insert:
certain conditions are met; amending s. 20.165, F.S.; providing certain inspection powers for employees of the Division of Florida Condominiums, Timeshares, and Mobile Homes; amending s. 468.436, F.S.; revising a ground for disciplinary action relating to misconduct or negligence; requiring the Department of Business and Professional Regulation to enter an order permanently revoking the license of a community association manager under certain circumstances; providing an effective

Rep. Robaina moved the adoption of the amendment, which failed of adoption.

Rep. Ambler moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Amendment 1 was taken up, having been temporarily postponed earlier today.

The question recurred on the adoption of **Amendment 1**, which failed of adoption.

Amendment 2 was taken up, having been temporarily postponed earlier today.

The question recurred on the adoption of **Amendment 2**, which failed of adoption.

Amendment 3 was taken up, having been temporarily postponed earlier today.

The question recurred on the adoption of **Amendment 3**, which failed of adoption.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 902 was temporarily postponed.

CS for SB 1178—A bill to be entitled An act relating to cost-benefit, return-on-investment, and dynamic scoring techniques; creating s. 216.138, F.S.; authorizing the President of the Senate or the Speaker of the House of Representatives to request special impact sessions of consensus estimating conferences to evaluate proposed legislation based on specified techniques; providing for the information used in the evaluations to be available to the public unless otherwise exempt from disclosure; requiring the Office of Economic and Demographic Research to develop protocols and procedures to be used by the consensus estimating conferences when evaluating proposed legislation; establishing minimum requirements; requiring submission of a report; requiring the use of the protocols and procedures until the approval is affirmatively revoked; amending s. 216.133, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

—was read the second time by title.

On motion by Rep. Poppell, CS for SB 1178 was substituted for CS/HB 121. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 1612—A bill to be entitled An act relating to the Office of Supplier Diversity of the Department of Management Services; amending s. 287.09451, F.S.; deleting the requirement for affidavits in certifications of minority business enterprises; providing that certifications may be signed electronically; providing an effective date.

—was read the second time by title.

On motion by Rep. Braynon, CS for SB 1612 was substituted for CS/HB 1075. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 644—A bill to be entitled An act relating to the direct-support organization for the Department of Military Affairs; amending s. 250.115, F.S.; authorizing the direct-support organization to support the processing of requests from the Soldiers and Airmen Assistance Program or similar programs; authorizing the president of the direct-support organization to appoint all members of the board of directors; requiring the direct-support organization to operate pursuant to a contract with the Department of Military Affairs; requiring the direct-support organization to submit its annual budget and financial reports to the Department of Military Affairs; creating s. 250.116, F.S.; creating the Soldiers and Airmen Assistance Program; authorizing the program to provide specified types of assistance to certain members of the Florida National Guard and their families; providing for the review of requests for assistance; requiring the financial committee of the board of directors of the direct-support organization for the Department of Military Affairs to review the financial transactions of the program quarterly; authorizing the financial committee of the board of directors to request additional reviews by the Office of Inspector General; authorizing the Department of Military Affairs to adopt rules to administer the Soldiers and Airmen Assistance Program; providing an effective date.

—was read the second time by title.

On motion by Rep. Abruzzo, CS for CS for SB 644 was substituted for CS/HB 395. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 1004—A bill to be entitled An act relating to local government; amending s. 125.35, F.S.; authorizing a board of county commissioners to negotiate the lease of certain real property for a limited period; amending s. 337.29, F.S.; authorizing transfers of right-of-way between local governments by deed; providing an effective date.

—was read the second time by title.

On motion by Rep. Bovo, CS for CS for SB 1004 was substituted for CS/CS/CS/HB 829. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 312—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; creating a public-records exemption for specified personal information of current and former public defenders and criminal conflict and civil regional counsel, as well as their spouses and children; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

On motion by Rep. Drake, CS for SB 312 was substituted for CS/HB 485. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 366—A bill to be entitled An act relating to retail sales of smoking pipes and smoking devices; creating s. 569.0073, F.S.; prohibiting retail sales of certain smoking pipes and smoking devices under certain circumstances; specifying criteria for the lawful sales of such items; providing a criminal penalty for unlawful sales of such items; providing an effective date.

—was read the second time by title.

On motion by Rep. Rouson, CS for CS for SB 366 was substituted for CS/CS/HB 187. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 370—A bill to be entitled An act relating to community corrections assistance to counties or county consortiums; amending s. 948.51, F.S.; adding rehabilitative community reentry programs to the list of

programs, services, and facilities that may be funded using community corrections funds; providing an effective date.

—was read the second time by title.

On motion by Rep. Reed, CS for SB 370 was substituted for CS/CS/HB 203. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 492—A bill to be entitled An act relating to garnishment; amending s. 222.11, F.S.; increasing the amount of wages of a head of family which is exempt from garnishment; providing a form that must be used for an agreement to waive the exemption from garnishment; amending s. 77.041, F.S.; increasing the amount of wages of a head of family which is exempt from garnishment; providing an effective date.

—was read the second time by title.

On motion by Rep. Brisé, CS for SB 492 was substituted for CS/CS/CS/HB 409. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 502—A bill to be entitled An act relating to special investigators; amending s. 27.251, F.S.; deleting a requirement that investigators be employed on a full-time basis; specifying matters that may be investigated by special investigators; providing an effective date.

—was read the second time by title.

On motion by Rep. Pafford, SB 502 was substituted for CS/HB 183. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 704—A bill to be entitled An act relating to capital felonies; amending s. 921.141, F.S.; providing that it is an aggravating circumstance for the purpose of determining sentence if a capital felony was committed by a person subject to an injunction or protection order against the petitioner who obtained that injunction or order or any of certain related persons; providing an effective date.

—was read the second time by title.

On motion by Rep. Weinstein, CS for SB 704 was substituted for CS/HB 259. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 926—A bill to be entitled An act relating to trusts; creating s. 736.0902, F.S.; limiting the duties and liability of certain trustees with respect to contracts for life insurance; defining the term "qualified person"; providing for the application and nonapplication of certain provisions of state law; requiring that notice of such provisions be given under certain circumstances; providing requirements for such notice; providing that such provisions do not apply if a party notified of the application of certain provisions of state law objects in writing; creating a rebuttable presumption of delivery of notice; defining the term "affiliate" for specified purposes; providing that certain provisions of state law do not apply under specified circumstances; prohibiting the compensation of a trustee for the performance of certain activities; amending s. 518.112, F.S.; expanding the list of delegable investment functions for certain fiduciaries; revising requirements for the provision of written notice by a trustee of an intent to begin delegating investment functions; providing an effective date.

—was read the second time by title.

On motion by Rep. Hukill, CS for CS for SB 926 was substituted for CS/CS/HB 501. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 998—A bill to be entitled An act relating to trust administration; amending s. 733.607, F.S.; limiting a personal representative's entitlement to payment from a trust of certain estate expenses and obligations; specifying application of certain criteria in making certain payments from a trust; amending s. 733.707, F.S.; specifying application of additional provisions to liability for certain estate expense and obligation payments from a trust; amending s. 736.0206, F.S.; deleting certain notice requirements relating to court review of a trustee's employment of certain persons; authorizing the award of expert witness fees from trust assets rather than requiring the award of such fees; providing a limitation; creating s. 736.04114, F.S.; providing for interpretation of trusts not subject to the federal estate tax; providing conditions; providing definitions; providing criteria for a court interpreting a trust; providing an exception; allowing a trustee to take certain actions pending a determination of trust distribution; limiting trustee liability; providing for interpretation; providing for retroactive effect; amending s. 736.0505, F.S.; revising a value criterion for determining the extent of treating the holder of a power of withdrawal as the settlor of a trust; providing criteria for determining who contributed certain trust assets under certain circumstances; amending s. 736.05053, F.S.; requiring application of priorities for pro rata abatement of nonresiduary trust dispositions together with nonresiduary devises; amending s. 736.1007, F.S.; deleting authority for a court to determine an attorney's compensation; deleting certain expert testimony and fee payment provisions; deleting requirements for certain court compensation determination proceedings to be part of a trust administration process and for court determination and payment of certain estate costs and fees from trust assets; creating s. 736.1211, F.S.; prohibiting state agencies and local governments from requiring the disclosure of certain characteristics of persons associated with certain charitable organizations, trusts, and foundations; prohibiting state agencies and local governments from requiring certain private foundations or trusts to disclose certain characteristics of persons associated with an entity receiving monetary or in-kind contributions from the foundation or trust; prohibiting state agencies and local governments from requiring that individuals having certain characteristics be included on the governing board or as officers of certain charitable organizations, trusts, or foundations; prohibiting state agencies and local governments from prohibiting a person from serving on the board or as an officer based on the person's familial relationship to other board members, officers, or a donor; prohibiting state agencies and local governments from requiring that certain charitable organizations, trusts, or foundations distribute funds to or contract with persons or entities having certain characteristics; specifying the effect of the act on contracts in existence before the effective date of the act; providing effective dates.

—was read the second time by title.

On motion by Rep. Wood, CS for CS for SB 998 was substituted for CS/HB 361. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 200 was temporarily postponed.

SB 808—A bill to be entitled An act relating to murder; amending s. 782.04, F.S.; providing that murder in the first degree includes the unlawful killing of a human being which resulted from the unlawful distribution of methadone by a person aged 18 or older when such drug is proven to be the proximate cause of the death of the user; providing penalties; reenacting ss. 775.0823(1) and (2), 782.065(1), 921.0022(3)(i), and 947.146(3)(i), F.S., relating to violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges, murder of law enforcement officer, the Criminal Punishment Code offense severity ranking chart, and the Control Release Authority,

respectively, to incorporate the amendment to s. 782.04, F.S., in references thereto; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS for SB 1012—A bill to be entitled An act relating to juvenile justice facilities and programs; amending s. 985.03, F.S.; defining the term "ordinary medical care"; amending s. 985.64, F.S.; requiring that the Department of Juvenile Justice adopt rules to ensure the effective delivery of services to children in the care and custody of the department; requiring the department to coordinate its rule-adoption process with the Department of Children and Family Services and the Agency for Persons with Disabilities to ensure that the department's rules do not encroach upon the substantive jurisdiction of those agencies; clarifying that the rules of the Department of Juvenile Justice do not supersede provisions governing consent to treatment and services; amending s. 985.721, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

On motion by Rep. Garcia, CS for SB 1012 was substituted for HB 813. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 1050—A bill to be entitled An act relating to the sale of ephedrine or related compounds; amending s. 893.1495, F.S.; providing a definition; prohibiting obtaining or delivering to an individual in a retail sale any nonprescription compound, mixture, or preparation containing ephedrine or related compounds in excess of specified amounts; revising provisions relating to retail display of products containing ephedrine or related compounds; revising provisions relating to the training of retail employees; requiring a purchaser of a nonprescription compound, mixture, or preparation containing any detectable quantity of ephedrine or related compounds to meet specified requirements; requiring the use of an electronic recordkeeping mechanism approved by the Department of Law Enforcement for such transactions to record specified information; providing exemptions from the electronic recordkeeping requirement; revising provisions concerning local ordinances or regulations; providing exemptions for certain entities; prohibiting any retailer or entity that collects information on behalf of a retailer from accessing or using the information, except for law enforcement purposes or to facilitate a product recall for public health and safety; providing limited civil immunity for the release of information to law enforcement officers; conforming provisions governing criminal penalties for violations; requiring the Department of Law Enforcement to adopt rules; providing an effective date.

—was read the second time by title.

On motion by Rep. Hays, CS for CS for SB 1050 was substituted for CS/CS/HB 1071. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 1072—A bill to be entitled An act relating to juvenile justice; amending s. 394.492, F.S.; including children 9 years of age or younger at the time of referral for a delinquent act within the definition of those children who are eligible to receive comprehensive mental health services; amending s. 984.03, F.S.; redefining the terms "child in need of services" and "family in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral to the Department of Juvenile Justice for a delinquent act; amending s. 984.14, F.S.; providing that a child may not be placed in a shelter before a court hearing unless the child is taken into custody for a misdemeanor domestic violence charge and is eligible to be held in secure detention; amending s. 985.02, F.S.; providing additional legislative findings and intent for the juvenile justice system; amending s. 985.03, F.S.; redefining the terms "child in need of services" and "family in need of services" to provide that a child is eligible to receive comprehensive services if the child is 9 years of age or younger at the time of referral to the department for a delinquent act; amending s. 985.125, F.S.; encouraging law enforcement agencies, school districts, counties, municipalities, and the department to establish prearrest or postarrest diversion programs; encouraging operators of diversion programs to give first-time misdemeanor offenders and offenders who are 9 years of age or younger an opportunity to participate in the programs; amending s. 985.145, F.S.; requiring a juvenile probation officer to make a referral to the appropriate shelter if the completed risk assessment instrument shows that the child is ineligible for secure detention; amending s. 985.24, F.S.; prohibiting a child alleged to have committed a delinquent act or violation of law from being placed into secure, nonsecure, or home detention care because of a misdemeanor charge of domestic violence if the child lives in a family that has a history of family violence or if the child is a victim of abuse or neglect; prohibiting a child 9 years of age or younger from being placed into secure detention care unless the child is charged with a capital felony, a life felony, or a felony of the first degree; amending s. 985.245, F.S.; revising membership on the statewide risk assessment instrument committee; amending s. 985.255, F.S.; providing that a child may be retained in home detention care under certain circumstances; providing that a child who is charged with committing a felony offense of domestic violence and who does not meet detention criteria may nevertheless be held in secure detention if the court makes certain specific written findings; amending s. 985.441, F.S.; authorizing a court to commit a female child adjudicated as delinquent to the department for placement in a mother-infant program designed to serve the needs of juvenile mothers or expectant juvenile mothers who are committed as delinquents; requiring the department to adopt rules to govern the operation of the mother-infant program; amending s. 985.45, F.S.; providing that whenever a child is required by the court to participate in any juvenile justice work program, the child is considered an employee of the state for the purpose of workers' compensation; amending s. 985.632, F.S.; requiring the Department of Juvenile Justice to collect and analyze available statistical data for the purpose of ongoing evaluation of all juvenile justice programs; redefining terms; requiring the department to use a standard methodology to annually measure, evaluate, and report program outputs and youth outcomes for each program and program group; requiring that the department submit an annual report to the appropriate committees of the Legislature and the Governor; requiring that the department apply a program accountability measures analysis to each program; deleting obsolete provisions; amending s. 985.664, F.S.; providing that a juvenile justice circuit board may increase its membership to adequately reflect the diversity of the population, community organizations, and child care agencies in its circuit; reenacting ss. 419.001(1)(d), 984.04(5), and 984.15(2)(c) and (3)(c), F.S., relating to community residential homes, families and children in need of services, and filing decisions available to a state attorney, respectively, to incorporate the amendment made to s. 984.03, F.S., in references thereto; reenacting s. 984.13(3), F.S., relating to taking a child into custody, to incorporate the amendment made to s. 984.14, F.S., in a reference thereto; reenacting s. 419.001(1)(d), F.S., relating to community residential homes, to incorporate the amendment made to s. 985.03, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

On motion by Rep. Ambler, CS for SB 1072 was substituted for CS/HB 7181. Under Rule 5.13, the House bill was laid on the table.

Representative Adams offered the following:

(Amendment Bar Code: 616303)

Amendment 1 (with title amendment)—Remove lines 519-532 and insert:

(c) Evaluate programs, whether operated by the department or by a provider under contract with the department, in the same manner and using the same standards, and take comparable actions as a result of such evaluations.

(d)~~(b)~~ Provide information about the cost of such programs and their differential effectiveness so that program ~~the~~ quality may ~~of such programs can~~ be compared and improvements made continually.

(e)~~(c)~~ Provide information to aid in developing related policy issues and concerns.

(f)~~(d)~~ Provide information to the public about the effectiveness of such programs in meeting established goals and objectives.

(g)~~(e)~~ Provide a basis for a system of accountability so that each youth ~~client~~ is afforded the best programs to meet his or her needs.

(h)~~(f)~~ Improve service delivery to youth ~~clients~~.

(i)~~(g)~~ Modify or eliminate activities that are not

T I T L E A M E N D M E N T

Remove line 70 and insert:
of all juvenile justice programs and to evaluate programs, whether operated by the department or by a provider under contract with the department; redefining terms;

Rep. Adams moved the adoption of the amendment, which was adopted.

Representative Adams offered the following:

(Amendment Bar Code: 355771)

Amendment 2 (with title amendment)—Between lines 830 and 831, insert:

Section 20. The Legislature finds that a court is in the best position to weigh all facts and circumstances to determine whether to commit a juvenile before it to the Department of Juvenile Justice and to determine the most appropriate restrictiveness level when such a juvenile is committed to the department.

T I T L E A M E N D M E N T

Remove line 95 and insert:
thereto; providing legislative findings concerning the determination to commit a juvenile to the Department of Juvenile Justice and the appropriate restrictiveness level for such juvenile; providing an effective date.

Rep. Adams moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 140—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; creating the Florida Farm Fresh Schools Program within the Department of Education; requiring the program to comply with regulations of the National School Lunch Program and meet specified requirements; requiring the department to work with the Department of Agriculture and Consumer Services to develop policies that encourage school districts to buy fresh and local food and select foods with maximum nutritional content; requiring the department, in collaboration with the Department of Agriculture and Consumer Services, to provide outreach services regarding the benefits of fresh food products from this state; providing an effective date.

—was read the second time by title.

On motion by Rep. Bush, CS for SB 140 was substituted for CS/HB 1619. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 166—A bill to be entitled An act relating to the use of prescribed pancreatic enzyme supplements; amending s. 1002.20, F.S.; authorizing certain K-12 students to use prescribed pancreatic enzyme supplements under certain circumstances; requiring the State Board of Education to adopt rules; providing for indemnification; providing an effective date.

—was read the second time by title.

On motion by Rep. Renuart, SB 166 was substituted for HB 45. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 206—A bill to be entitled An act relating to district school board policies and procedures; amending s. 1001.43, F.S.; providing legislative intent to recognize student academic achievement; encouraging each district school board to adopt policies and procedures that provide for an annual "Academic Scholarship Signing Day"; providing an effective date.

—was read the second time by title.

On motion by Rep. Reed, CS for SB 206 was substituted for CS/HB 55. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 850—A bill to be entitled An act relating to the Florida Industrial and Phosphate Research Institute; transferring, renumbering, and amending s. 378.101, F.S.; renaming the Florida Institute of Phosphate Research as the "Florida Industrial and Phosphate Research Institute" and establishing it within the University of South Florida Polytechnic; creating the Phosphate Research and Activities Board; providing duties, membership, and terms for the board; providing for an executive director of the institute; providing duties for the executive director; providing duties and authorized activities for the institute; amending s. 211.31, F.S.; conforming a cross-reference; providing for a type two transfer of the Florida Institute of Phosphate Research to the Florida Industrial and Phosphate Research Institute within the University of South Florida Polytechnic; repealing s. 378.102, F.S., relating to the Florida Institute of Phosphate Research; providing an effective date.

—was read the second time by title.

On motion by Rep. McKeel, CS for CS for SB 850 was substituted for CS/CS/CS/HB 149. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 1058—A bill to be entitled An act relating to the cooperation between schools and juvenile authorities; amending s. 985.04, F.S.; requiring that specified school personnel be notified when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult and the disposition of the charges; amending s. 1002.221, F.S.; authorizing certain entities to release a student's education records without consent of the student or parent to parties to an interagency agreement for specified purposes; providing that without consent such information is inadmissible in a court proceeding before a dispositional hearing; providing an effective date.

—was read the second time by title.

On motion by Rep. Soto, CS for CS for SB 1058 was substituted for CS/HB 603. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 200—A bill to be entitled An act relating to parole interview dates for certain inmates; amending ss. 947.16, 947.174, and 947.1745, F.S.; extending from 5 to 7 years the period between parole interview dates for inmates convicted of violating specified provisions or serving a mandatory minimum sentence under a specified provision; providing an effective date.

—was taken up, having been temporarily postponed earlier today, and read the second time by title.

On motion by Rep. Evers, CS for SB 200 was substituted for HB 261. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for CS for SB 2014—A bill to be entitled An act relating to early learning; amending s. 39.0121, F.S.; deleting an obsolete reference to the repealed subsidized child care program; amending s. 39.202, F.S.; replacing an obsolete reference to a repealed program with an updated reference to the school readiness program; authorizing county agencies responsible for licensure or approval of child care providers to be granted access to certain confidential reports and records in cases of child abuse or neglect; amending s. 39.5085, F.S.; deleting an obsolete reference to a repealed program; amending s. 383.14, F.S.; replacing obsolete references to the former State Coordinating Council for School Readiness Programs with updated references to the Agency for Workforce Innovation; transferring, renumbering, and amending s. 402.25, F.S.; updating an obsolete reference to a repealed program; deleting obsolete references relating to the repealed prekindergarten early intervention program and Florida First Start Program; amending s. 402.26, F.S.; revising legislative intent; updating an obsolete reference to a repealed program; amending s. 402.281, F.S.; establishing the Gold Seal Quality Care program within the Department of Children and Family Services; providing that a child care facility, large family child care home, or family day care home may receive a Gold Seal Quality Care designation if accredited by a nationally recognized accrediting association and certain requirements are met; requiring that the department adopt rules establishing accreditation standards; requiring that an accrediting association apply to the department for participation in the program; requiring that the department consult with the Agency for Workforce Innovation regarding the approval of accrediting associations for the program; transferring and renumbering s. 402.3016, F.S., relating to Early Head Start collaboration grants; transferring, renumbering, and amending s. 402.3018, F.S.; transferring administration of the statewide toll-free Warm-Line from the department to the agency; conforming provisions; transferring, renumbering, and amending s. 402.3051, F.S.; revising procedures for child care market rate reimbursement and child care grants; transferring authority to establish the procedures from the department to the agency; directing the agency to adopt a prevailing market rate schedule for child care services; revising definitions; authorizing the agency to enter into contracts and adopt rules; amending s. 402.313, F.S.; deleting obsolete provisions authorizing the department to license family day care homes participating in a repealed program; repealing s. 402.3135, F.S., relating to the subsidized child care program case management program; transferring, renumbering, and amending s. 402.3145, F.S.; transferring administration of certain transportation services for children at risk of abuse or neglect from the department to the agency; revising requirements for the provision of such transportation services; amending s. 402.315, F.S.; revising provisions relating to fees collected for child care facilities; amending s. 402.45, F.S.; updating an obsolete reference relating to a former council; directing the Department of Health to consult with the agency regarding certain training provided for contractors of the community resource mother or father program; amending s. 409.1671, F.S.; clarifying that a licensed foster home may be dually licensed as a family day care home or large family child care home and receive certain payments for the same child; deleting an obsolete reference to a repealed program; amending s. 411.01, F.S.; revising provisions relating to the School Readiness Act; revising legislative intent; revising the duties and responsibilities of the Agency for Workforce Innovation; revising provisions for school readiness plans; specifying that certain program providers' compliance with licensing standards satisfies certain health screening requirements; requiring early learning coalitions to maintain certain direct enhancement services; deleting obsolete provisions relating to the merger of early learning coalitions; revising provisions for the membership of early learning coalitions and the voting privileges of such members; revising requirements for parental choice; directing the agency to establish a formula for allocating school readiness funds to each county; providing for legislative notice and review of the formula; amending s. 411.0101, F.S.; revising requirements for services provided by the statewide child care resource and referral network; updating obsolete references to repealed programs; amending s. 411.0102, F.S.; revising provisions relating to the Child Care Executive Partnership Act; updating obsolete references to repealed programs; deleting provisions relating to the duties of each early coalition board; amending s. 411.203, F.S.; deleting an obsolete reference to a repealed program; conforming provisions; amending s. 411.221, F.S.; updating an obsolete reference to a former council; amending ss. 445.024, 445.030, 490.014, and 491.014, F.S.; deleting obsolete references to repealed programs; conforming provisions to the repeal of the subsidized child care case management program; amending ss. 1002.53, 1002.55, 1002.67, and 1002.71, F.S.; revising provisions relating to the eligibility requirements for private prekindergarten providers; conforming provisions to changes made by the act; amending s. 1002.69, F.S.; revising provisions relating to statewide kindergarten screening and kindergarten readiness rates; authorizing the State Board of Education to grant an exemption to a private prekindergarten provider or public school if requested and good cause is shown; providing for the renewal of such exemption; requiring that certain information be submitted along with the provider's or public school's request for the exemption; requiring that the board adopt criteria for granting the exemption; providing that the exemption not be granted under certain circumstances; requiring notice to the Agency for Workforce Innovation of exemptions; amending s. 1002.73, F.S.; requiring that the Department of Education adopt procedures for granting good cause exemptions to private prekindergarten providers and public schools; amending s. 1009.64, F.S.; deleting an obsolete reference to a repealed program; amending s. 125.901, F.S.; requiring the governing body of the county to submit to the electorate the question of retention or dissolution of a special taxing district created to provide funding for children's services; prescribing a schedule and conditions relating to submission of the question to the electorate; prescribing reauthorization conditions governing newly created children's services districts; providing for the application of the revisions made by this act to s. 125.901, F.S., to certain children's services special districts in existence before and after the effective date of the act; providing effective dates.

—was read the second time by title.

On motion by Rep. Nelson, CS for CS for CS for SB 2014 was substituted for CS/CS/HB 1203. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 150—A bill to be entitled An act relating to criminal history record checks; defining the terms "independent youth athletic team," "sanctioning authority," and "sports coach"; requiring the sanctioning authority of an independent youth athletic team to screen an applicant for sports coach through designated public websites maintained by the Department of Law Enforcement and the United States Department of Justice; requiring the sanctioning authority to disqualify any applicant from acting as a sports coach if that applicant appears on either registry; requiring that the sanctioning authority notify the applicant of his or her right to obtain a copy of the screening report; providing that an applicant who is disqualified from acting as a sports coach based on the screening may appeal to the sanctioning authority the accuracy and completeness of the screening report; providing that the sanctioning authority may place an applicant appealing his or her disqualification as a sports coach on probationary status pending resolution of the appeal; providing that a background screening in compliance with the federal Fair Credit Reporting Act satisfies screening provisions; requiring each sanctioning authority to sign an affidavit annually, under penalty of perjury, stating that all persons who have applied for a position as a sports coach of an independent youth athletic team under its jurisdiction have been screened; requiring a sanctioning authority to maintain the affidavit in its files and provide a copy of the affidavit to anyone upon request; creating rebuttable presumptions in a civil action brought against a sanctioning authority in which it is alleged that the sanctioning authority was negligent in the hiring of a sports coach because of sexual misconduct committed by the sports coach; providing legislative intent encouraging sanctioning authorities for youth

athletic teams to participate in the Volunteer and Employee Criminal History System as authorized by the National Child Protection Act and the laws of this state; providing an effective date.

—was read the second time by title.

On motion by Rep. Gibbons, the rules were waived and SB 150 was substituted for CS/HB 59. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 488—A bill to be entitled An act relating to motor vehicle registration application forms; amending s. 320.02, F.S.; requiring application forms to provide for a voluntary contribution to Florida Network of Children's Advocacy Centers, Inc.; providing for the use of such funds; providing an effective date.

—was read the second time by title.

On motion by Rep. O'Toole, SB 488 was substituted for HB 609. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 768—A bill to be entitled An act relating to street racing; creating the "Luis Rivera Ortega Street Racing Act"; amending s. 316.191, F.S.; revising penalties for violating provisions prohibiting certain speed competitions and exhibitions; providing an effective date.

—was read the second time by title.

On motion by Rep. Soto, CS for SB 768 was substituted for CS/HB 97. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 962—A bill to be entitled An act relating to driver license records; amending s. 322.142, F.S.; revising the authorized uses of license identification information maintained by the Department of Highway Safety and Motor Vehicles and released to the Department of Children and Family Services; authorizing use for certain adult protective services investigations; providing conditions for such information to be used for verification of identity in determination of eligibility for public assistance and for certain fraud investigations; providing an effective date.

—was read the second time by title.

On motion by Rep. Reed, CS for SB 962 was substituted for CS/HB 479. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 2470—A bill to be entitled An act relating to regional transportation; creating the Northeast Florida Regional Transportation Study Commission; providing for membership and organization; providing for reimbursement of expenses; providing for removal and suspension of commission members; providing for the Jacksonville Transportation Authority to staff the commission; providing for funding of the commission; providing that the costs of staffing and the amount of funding are determined by the board of the Jacksonville Transportation Authority; providing for committees within the commission; providing for commission meetings; providing for the commission to make available to the public its meeting minutes, reports, and recommendations and publish its reports and recommendations electronically; directing the authority to make its Internet site available for such purposes; requiring the commission to submit reports to the Governor and the Legislature; providing that a county's membership in the commission and participation of a county's appointees does not constitute consent of the county to inclusion within the jurisdiction of a regional transportation authority; providing for expiration and termination of the commission; amending s. 8, ch. 2009-89, Laws of Florida; revising the due date for the Northwest Florida Regional Transportation Planning Organization to complete a study and make recommendations to the Legislature concerning advance-funding the costs of capacity projects in its member counties; providing for funding of the study; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS for CS for SB 1842—A bill to be entitled An act relating to transportation projects; creating s. 335.199, F.S.; directing the Department of Transportation to notify certain property owners and local governmental entities of certain proposed projects before finalizing the design of certain transportation projects; providing a timeframe for notification; requiring the department to hold a public hearing and receive public input regarding the effects of the project on local businesses; directing the department to consider the comments in the final design of the project; providing an effective date.

—was read the second time by title.

On motion by Rep. Abruzzo, CS for CS for SB 1842 was substituted for CS/HB 1331. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 2272—A bill to be entitled An act relating to controlled substances; amending s. 456.037, F.S.; providing that pain-management clinics that are required to be registered with the Department of Health are business establishments; amending s. 456.057, F.S.; providing that the Department of Health is not required to attempt to obtain authorization from a patient for the release of the patient's medical records under certain circumstances; authorizing the department to obtain patient records without authorization or subpoena if the department has probable cause to believe that certain violations have occurred or are occurring; repealing s. 458.309(4), (5), and (6), F.S., relating to pain-management clinics; creating s. 458.3265, F.S.; requiring all privately owned pain-management clinics, or offices that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications or by employing a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, to register with the Department of Health; providing exceptions; requiring each location of a pain-management clinic to register separately; requiring a clinic to designate a physician who is responsible for complying with requirements related to registration and operation of the clinic; requiring the department to deny registration or revoke the registration of a pain-management clinic for certain conditions; authorizing the department to revoke a clinic's certificate of registration and prohibit physicians associated with the clinic from practicing at the clinic's location; requiring a pain-management clinic to cease operating if its registration certificate is revoked or suspended; requiring certain named persons to remove all signs and symbols identifying the premises as a pain-management clinic; requiring a pain-management clinic that has had its registration revoked or suspended to advise the department of the disposition of the medicinal drugs located on the premises; providing that medicinal drugs that are purchased or held by a pain–management clinic that is not registered may be deemed adulterated; prohibiting any person acting as an individual or as part of a group from applying for a certificate to operate a pain-management clinic for a certain period after the date the person's registration certificate is revoked; providing that a change of ownership of a registered pain-management clinic requires submission of a new registration application; providing the responsibilities of a physician who provides professional services at a pain-management clinic; requiring the department to inspect pain-management clinics and its patient records; providing an exception to inspection by the department; requiring a pain-management clinic to document corrective action; requiring the department and the Board of Medicine to adopt rules; authorizing the department to impose fines, deny a clinic's registration, or revoke a clinic's registration; amending s. 458.327, F.S.;

providing that the commission of certain specified acts involving a nonregistered pain-management clinic constitutes a felony of the third degree or a misdemeanor of the first degree; amending s. 458.331, F.S.; providing additional acts that constitute grounds for disciplinary actions against health professional licensees; repealing s. 459.005(3), (4), and (5), F.S., relating to pain-management clinics; creating s. 459.0137, F.S.; requiring all privately owned pain-management clinics, or offices that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications or by employing an osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, to register with the department; providing exceptions; requiring each location of a pain-management clinic to register separately; requiring a clinic to designate an osteopathic physician who is responsible for complying with requirements related to registration and operation of the clinic; requiring the department to deny registration or revoke the registration of a pain-management clinic for certain conditions; authorizing the department to revoke a clinic's certificate of registration and prohibit osteopathic physicians associated with the clinic from practicing at the clinic's location; requiring a pain-management clinic to cease operating if its registration certificate is revoked or suspended; requiring certain named persons to remove all signs and symbols identifying the premises as a pain-management clinic; requiring a pain-management clinic that has had its registration revoked or suspended to advise the department of the disposition of the medicinal drugs located on the premises; providing that medicinal drugs that are purchased or held by a pain–management clinic that is not registered may be deemed adulterated; prohibiting any person acting as an individual or as part of a group from applying for a certificate to operate a pain-management clinic for a certain period after the date the person's registration certificate is revoked; providing that a change of ownership of a registered pain-management clinic requires submission of a new registration application; providing the responsibilities of an osteopathic physician who provides professional services at a pain-management clinic; requiring the department to inspect pain-management clinics and its patient records; providing an exception to inspection by the department; requiring a pain-management clinic to document corrective action; requiring the department and the Board of Osteopathic Medicine to adopt rules; authorizing the department to impose fines, deny a clinic's registration, or revoke a clinic's registration; amending s. 459.013, F.S.; providing that the commission of certain specified acts involving a nonregistered pain-management clinic constitutes a felony of the third degree or a misdemeanor of the first degree; amending s. 459.015, F.S.; providing additional acts that constitute grounds for disciplinary actions against health professional licensees; amending s. 893.055, F.S.; defining the term "program manager"; requiring that the program manager work with certain licensure boards and stakeholders to develop rules; authorizing the program manager to provide relevant information to law enforcement agencies under certain circumstances; amending s. 893.0551, F.S.; providing for disclosure of confidential and exempt information to applicable law enforcement; providing an effective date.

—was read the second time by title.

Representative Legg offered the following:

(Amendment Bar Code: 462965)

Amendment 1 (with directory amendment)—Between lines 580 and 581, insert:

(qq) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in chapter 893.

D I R E C T O R Y A M E N D M E N T

Remove line 532 and insert:

Section 6. Paragraphs (oo), (pp), and (qq) are added to subsection

Rep. Legg moved the adoption of the amendment, which was adopted.

Representative Legg offered the following:

(Amendment Bar Code: 737543)

Amendment 2 (with directory amendment)—Between lines 930 and 931, insert:

(ss) Promoting or advertising through any communication media the use, sale, or dispensing of any controlled substance appearing on any schedule in chapter 893.

D I R E C T O R Y A M E N D M E N T

Remove line 882 and insert:

Section 10. Paragraphs (qq), (rr), and (ss) are added to

Rep. Legg moved the adoption of the amendment, which was adopted.

Representative Legg offered the following:

(Amendment Bar Code: 801573)

Amendment 3 (with title amendment)—Between lines 930 and 931, insert:

Section 11. Subsection (1) of section 465.0276, Florida Statutes, is amended to read:

465.0276 Dispensing practitioner.—

(1)(a) A person may not dispense medicinal drugs unless licensed as a pharmacist or otherwise authorized under this chapter to do so, except that a practitioner authorized by law to prescribe drugs may dispense such drugs to her or his patients in the regular course of her or his practice in compliance with this section.

(b) A practitioner registered under this section may not dispense more than a 72-hour supply of a controlled substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03 for any patient who pays for the medication by cash, check, or credit card in a clinic registered under s. 458.3265 or s. 459.0137. A practitioner who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This paragraph does not apply to:

1. A practitioner who dispenses medication to a workers' compensation patient pursuant to chapter 440.

2. A practitioner who dispenses medication to an insured patient who pays by cash, check, or credit card to cover any applicable copayment or deductible.

3. The dispensing of complimentary packages of medicinal drugs to the practitioner's own patients in the regular course of her or his practice without the payment of a fee or remuneration of any kind, whether direct or indirect, as provided in subsection (5).

T I T L E A M E N D M E N T

Remove line 123 and insert:

professional licensees; amending s. 465.0276, F.S.; prohibiting registered dispensing practitioners from dispensing more than a specified amount of certain controlled substances; providing penalties; providing exceptions; amending s. 893.055, F.S.;

Rep. Legg moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Galvano, the House moved to revert to the order of business of—

Bills and Joint Resolutions on Third Reading

CS/HB 7229—A bill to be entitled An act relating to economic incentives for energy initiatives; amending s. 377.601, F.S.; revising legislative intent relating to the state's energy policy; amending s. 377.703, F.S.; conforming cross-references; creating s. 366.90, F.S.; providing legislative intent relating

to renewable energy production of electricity; amending s. 366.91, F.S.; deleting legislative intent provisions to conform to changes made by the act; revising the definition of the terms "biomass"; amending s. 366.92, F.S.; establishing the Agriculture and Clean Energy Economic Development Pilot Project; providing that certain electric energy be considered renewable energy under the pilot project; amending s. 366.92, F.S.; deleting the legislative intent provisions; deleting and revising definitions; deleting provisions for the renewable portfolio standard and renewable energy credits; providing a mechanism for providers to recover costs to produce or purchase specified amounts of renewable energy through the environmental cost-recovery clause under certain conditions; requiring providers to include specified information related to renewable energy development in a certain report; authorizing a developer of solar energy generation to locate a solar energy generation facility on the premises of a host consumer under certain circumstances; requiring the commission to adopt rules and submit reports to the Legislature; amending s. 403.44, F.S.; revising legislative intent for the Florida Climate Protection Act; prohibiting the Department of Environmental Protection from adopting a cap-and-trade regulatory program or otherwise regulating carbon emissions in the state; amending s. 366.8255, F.S.; conforming a provision to changes made by the act; amending s. 403.503, F.S.; revising the definition of "electrical power plant" for purposes of the Florida Electrical Power Plant Siting Act; amending ss. 288.9602 and 288.9603, F.S.; revising legislative findings and declarations and definitions for purposes of the Florida Development Finance Corporation Act; amending s. 288.9604, F.S.; revising requirements for the establishment and organization of the Florida Development Finance Corporation; amending s. 288.9605, F.S.; revising the powers of the corporation; amending s. 288.9606, F.S.; revising requirements for the corporation's issuance of revenue bonds; amending s. 288.9607, F.S.; limiting the corporation's approval of guaranties for debt service for bonds or other indebtedness for any one capital project; deleting provisions for the corporation's investment of certain funds in the State Transportation Trust Fund; authorizing guarantees to be used in conjunction with federal guaranty programs; amending s. 288.9608, F.S.; creating the Energy, Technology, and Economic Development Guaranty Fund; providing for the deposit and use of certain moneys in the fund; deleting requirements for the corporation's debt service reserve account and Revenue Bond Guaranty Reserve Account; amending ss. 288.9609, 288.9610, 206.46, 215.47, 339.08, and 339.135, F.S.; conforming provisions to changes made by the act; providing for severability; providing an effective date.

—was taken up, having been read the third time, amended, and temporarily postponed earlier today.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 1000].

The question recurred on the passage of CS/HB 7229. The vote was:

Session Vote Sequence: 1001

Speaker Cretul in the Chair.

Yeas—83

Abruzzo	Clarke-Reed	Glorioso	Patronis
Adkins	Coley	Gonzalez	Patterson
Ambler	Cretul	Grimsley	Plakon
Aubuchon	Crisafulli	Hasner	Poppell
Bembry	Culp	Hays	Precourt
Bernard	Domino	Holder	Proctor
Bogdanoff	Dorworth	Hooper	Ray
Bovo	Drake	Horner	Reagan
Braynon	Evers	Hudson	Reed
Brisé	Flores	Jones	Rehwinkel Vasilinda
Bullard	Ford	Kreegel	Renuart
Burgin	Fresen	Lopez-Cantera	Rivera
Bush	Frishe	Mayfield	Roberson, K.
Cannon	Gaetz	McBurney	Roberson, Y.
Carroll	Galvano	McKeel	Rogers
Chestnut	Gibbons	O'Toole	Rouson
Sachs	Snyder	Tobia	Williams, A.
Sands	Soto	Troutman	Williams, T.
Saunders	Stargel	Waldman	Wood
Schenck	Thompson, N.	Weatherford	Workman
Schultz	Thurston	Weinstein	

Nays—34

Adams	Grady	Llorente	Schwartz
Boyd	Heller	Long	Skidmore
Brandenburg	Homan	Nehr	Steinberg
Cruz	Hukill	Pafford	Taylor
Eisnaugle	Jenne	Planas	Thompson, G.
Fetterman	Kelly	Porth	Van Zant
Fitzgerald	Kiar	Rader	Zapata
Garcia	Kriseman	Randolph	
Gibson	Legg	Robaina	

Votes after roll call:
Yeas—Anderson
Yeas to Nays—Ambler, Evers, Fresen, Mayfield

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Galvano, the House moved to advance to the order of business of—

Special Orders

CS for CS for CS for SB 694—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; deleting a reference to health insurance in the process for determining a parent's share of an obligation to pay medical support only; providing that an obligor may make child support payments directly to the obligee under certain circumstances; clarifying when income deduction payments are required to be paid to the State Disbursement Unit; amending s. 61.30, F.S.; authorizing the Department of Revenue to submit to the court a written declaration signed under penalty of perjury for the purpose of establishing an obligation for child support; amending s. 382.013, F.S.; providing that if the mother and father of a child marry each other at any time after the child's birth, the Department of Health shall amend the certificate with regard to the parents' marital status as though the parents were married at the time of birth; amending s. 382.015, F.S.; requiring the Office of Vital Statistics in the Department of Health to prepare and file a new birth certificate that includes the name of the legal father when a final judgment of dissolution of marriage requires the former husband to pay child support for the child; amending s. 382.016, F.S.; requiring the Office of Vital Statistics to amend a child's birth certificate to include the name of the legal father upon receipt of a marriage license that identifies the child as a child of the marriage; amending s. 409.2558, F.S.; requiring the Department of Revenue to process collected funds that are determined to be undistributable in a specified manner; requiring the department to retain as program income de minimis child support collections under $1; amending s. 409.256, F.S.; changing the term "custodian" to "caregiver" and defining the role of the caregiver; amending s. 409.2563, F.S.; replacing "caretaker relative" with "caregiver" and defining the term; authorizing the Department of Revenue to refer a proceeding to the Division of Administrative Hearings for an evidentiary hearing to determine the support obligation; replacing the term "hearing request" with "proceeding"; amending s. 409.25635, F.S.; authorizing the Department of Revenue to collect noncovered medical expenses in installments by issuing an income deduction notice; amending s. 409.2564, F.S.; removing a provision that encouraged parties to enter into a settlement agreement; conforming cross-references; requiring the department to review child support orders in IV-D cases at least once every 3 years; requiring that the department file a petition to modify support if the review of a support order indicates that the order should be modified; amending s. 409.2567, F.S.; authorizing the Department of Revenue to seek a specified waiver from the United States Department of Health and Human Services if the estimated increase in federal funding to the state derived from the waiver would exceed any additional cost to the state; amending s. 409.259, F.S.; extending the

deadline for implementing electronic filing of pleadings and other documents with the clerks of court in Title IV-D cases until completion of the Child Support Automated Management System II; amending s. 409.910, F.S.; requiring the Agency for Health Care Administration to obtain health insurance information from insurers and provide it to the Department of Revenue for use in Title IV-D child support cases; requiring both agencies to enter into a cooperative agreement to implement the requirement; amending s. 414.095, F.S.; conforming a provision to a change made by the act; amending s. 741.01, F.S.; requiring an application for a marriage license to allow both parties to the marriage to state under oath in writing if they are the parents of a child born in this state and to identify any such child they have in common; reenacting ss. 61.14(1)(c) and 61.30(1)(c), F.S., relating to the enforcement and modification of support, maintenance, or alimony agreements or orders and the child support guidelines, respectively, to incorporate the amendments made to s. 409.2564, F.S., in references thereto; providing effective dates.

—was read the second time by title.

On motion by Rep. Kreegel, CS for CS for CS for SB 694 was substituted for CS/HB 7083. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for CS for SB 742—A bill to be entitled An act relating to public safety telecommunicators; amending s. 365.172, F.S.; including dispatching as a function of E911 service; including fees for certification and recertification collected by the Department of Health in authorized expenditures for E911 services; amending s. 401.411, F.S.; revising applicability of certain disciplinary actions and penalties; amending s. 401.465, F.S.; redefining the term "emergency dispatcher" as "public safety telecommunicator"; defining the term "public safety telecommunication training program"; providing requirements for training and certification of a public safety telecommunicator, including fees; requiring certain 911 public safety telecommunicators, sworn state-certified law enforcement officers, or state-certified firefighters to pass an examination administered by the department; requiring the department to establish a procedure for the approval of public safety telecommunication training programs; providing for temporary waiver of certification requirements in an area of the state for which the Governor has declared a state of emergency; providing a declaration of important state interest; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS for SB 2752 was temporarily postponed.

SB 1166—A bill to be entitled An act relating to community residential homes; amending s. 393.501, F.S.; prohibiting certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community; amending s. 393.18, F.S.; authorizing the agency to issue a license as a comprehensive transitional education program to serve children who have severe behavioral conditions; amending s. 419.001, F.S.; defining the term "planned residential community"; providing that community residential homes located within a planned residential community may be contiguous to one another; providing an effective date.

—was read the second time by title.

On motion by Rep. Stargel, SB 1166 was substituted for CS/CS/HB 645. Under Rule 5.13, the House bill was laid on the table.

Further consideration of **SB 1166** was temporarily postponed.

Remarks

The Speaker recognized Rep. Troutman, who made brief farewell remarks.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 1002].

SB 1166—A bill to be entitled An act relating to community residential homes; amending s. 393.501, F.S.; prohibiting certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community; amending s. 393.18, F.S.; authorizing the agency to issue a license as a comprehensive transitional education program to serve children who have severe behavioral conditions; amending s. 419.001, F.S.; defining the term "planned residential community"; providing that community residential homes located within a planned residential community may be contiguous to one another; providing an effective date.

—was taken up, having been read the second time earlier today and temporarily postponed.

Representative Lopez-Cantera offered the following:

(Amendment Bar Code: 263363)

Amendment 1—Remove lines 97-98 and insert:
developmental disabilities along with intensive behavioral problems as defined by the agency; and

Rep. Lopez-Cantera moved the adoption of the amendment.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, which was adopted.

On motion by Rep. Kriseman, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Kriseman offered the following:

(Amendment Bar Code: 778525)

Amendment 2—Remove lines 141-145 and insert:
defined in s. 393.063 but that shall also provide housing options for other individuals. The community shall provide choices with regard to housing arrangements, support providers, and activities. The residents' freedom of movement within and outside the community may not be restricted. For the purposes of

Rep. Kriseman moved the adoption of the amendment, which was adopted.

Representative Lopez-Cantera offered the following:

(Amendment Bar Code: 245737)

Amendment 3 (with title amendment)—Remove line 150 and insert:
residential homes that are contiguous to one another. A planned residential community may not be located within a 10-mile radius of any other planned residential community.

T I T L E A M E N D M E N T

Remove line 12 and insert:
residential community"; providing that a planned residential community may not be located within a certain distance from another planned residential community; providing that community

Rep. Lopez-Cantera moved the adoption of the amendment, which was adopted. The vote was:

Session Vote Sequence: 1003

Representative Reagan in the Chair.

Yeas—72

Abruzzo	Fetterman	Kiar	Roberson, Y.
Anderson	Fitzgerald	Kreegel	Rogers
Aubuchon	Flores	Kriseman	Rouson
Bembry	Ford	Lopez-Cantera	Sachs
Bernard	Frishe	Mayfield	Sands
Bovo	Galvano	McBurney	Saunders
Boyd	Garcia	Nehr	Schenck
Brandenburg	Gibson	Pafford	Skidmore
Braynon	Gonzalez	Poppell	Soto
Brisé	Grimsley	Porth	Steinberg
Bullard	Hasner	Proctor	Taylor
Bush	Heller	Rader	Thompson, G.
Chestnut	Holder	Ray	Thompson, N.
Clarke-Reed	Hooper	Reagan	Thurston
Cruz	Horner	Reed	Waldman
Culp	Hukill	Rehwinkel Vasilinda	Williams, T.
Domino	Jenne	Robaina	Workman
Evers	Jones	Roberson, K.	Zapata

Nays—26

Adams	Hays	Nelson	Stargel
Coley	Homan	O'Toole	Tobia
Dorworth	Hudson	Plakon	Van Zant
Drake	Kelly	Planas	Weinstein
Eisnaugle	Llorente	Precourt	Wood
Fresen	McKeel	Renuart	
Gaetz	Murzin	Schultz	

Votes after roll call:
Yeas—Gibbons, Glorioso, Grady, Long, Snyder
Yeas to Nays—Glorioso
Nays to Yeas—Fresen, Glorioso

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 1306—A bill to be entitled An act relating to public assistance; amending ss. 97.021, 163.2523, 163.456, 220.187, 288.9618, 341.041, 379.353, 402.33, 409.2554, 409.2576, 409.903, 409.942, 411.0101, 414.0252, 414.065, 414.0655, 414.075, 414.085, 414.095, 414.14, 414.16, 414.17, 414.175, 414.31, 414.32, 414.33, 414.34, 414.35, 414.36, 414.39, 414.41, 414.45, 420.624, 430.2053, 445.004, 445.009, 445.024, 445.026, 445.048, 718.115, 817.568, 921.0022, and 943.401, F.S.; revising terminology relating to the food stamp program and the WAGES Program to conform to current federal law; providing an effective date.

—was read the second time by title.

On motion by Rep. Coley, CS for SB 1306 was substituted for HB 1293. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for SB 434—A bill to be entitled An act relating to suicide prevention education; amending s. 14.20195, F.S.; deleting references to inactive organizations represented by members of the Suicide Prevention Coordinating Council and replacing with active organizations; amending s. 1006.07, F.S.; requiring that district school boards provide access to suicide prevention educational resources to all instructional and administrative personnel as part of the school district professional development system; providing an effective date.

—was read the second time by title.

On motion by Rep. Heller, CS for CS for SB 434 was substituted for CS/CS/HB 1061. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 12—A bill to be entitled An act for the relief of Stephen Hall; providing an appropriation to compensate Stephen Hall for injuries sustained as a result of the negligence of an employee of the Department of Transportation; providing a limitation of the payment of fees and costs; providing an effective date.

—was read the second time by title.

On motion by Rep. Bernard, SB 12 was substituted for HB 9. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 30—A bill to be entitled An act for the relief of Lois H. Lacava by the Munroe Regional Health System, Inc.; providing for an appropriation to compensate her for injuries sustained as a result of the negligence of the Munroe Regional Medical Center; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

On motion by Rep. Fresen, CS for SB 30 was substituted for CS/HB 1303. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 46—A bill to be entitled An act for the relief of Edwidge Valmyr Gabriel, as parent and natural guardian of her son, Stanley Valmyr, a minor, and as personal representative of the Estate of Stanley Valmyr, deceased, by the City of North Miami; providing for an appropriation to compensate her for the wrongful death of her son, Stanley Valmyr, as a result of the negligence of the City of North Miami; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

On motion by Rep. Galvano, CS for SB 46 was substituted for CS/HB 1017. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 50—A bill to be entitled An act for the relief of Madonna Castillo by the City of Hialeah; providing for an appropriation to compensate her for injuries and damages that she sustained as a result of the negligence of the City of Hialeah; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

On motion by Rep. Gonzalez, CS for SB 50 was substituted for HB 1155. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 54—A bill to be entitled An act for the relief of Erskin Bell, II, by the City of Altamonte Springs; providing an appropriation to compensate him for injuries and damages sustained as the result of negligence by the City of Altamonte Springs; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the second time by title.

On motion by Rep. Adams, SB 54 was substituted for CS/HB 363. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 60—A bill to be entitled An act for the relief of Pierreisna Archille; providing an appropriation to compensate Pierreisna Archille, a mentally disabled person, by and through Darlene Achille, Limited Guardian of Property for Pierreisna Archille, for injuries and damages sustained as a result of the negligence of employees of the Department of Children and Family Services; providing for reversion of funds; providing a limitation on the payment of attorney's fees, lobbying fees, costs, and other similar expenses relating to the claim; providing an effective date.

—was read the second time by title.

On motion by Rep. Nehr, CS for SB 60 was substituted for CS/HB 195. Under Rule 5.13, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Communications

The Honorable Larry Cretul April 27, 2010
Speaker of the House

Dear Mr. Speaker:

In compliance with Article III, Section 19(d), State Constitution, and Joint Rule 2, copies of the Appropriations Conference Committee Report on HB 5001 have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

I hereby certify that delivery was completed April 27, 2010 at 2:59 p.m.

Respectfully submitted,

Robert L. "Bob" Ward
Clerk of the House

Remarks

The Speaker recognized Rep. Rivera, who made brief farewell remarks.

Special Orders

CS for CS for SB 2044—A bill to be entitled An act relating to property insurance; amending s. 215.555, F.S.; delaying the repeal of a provision exempting medical malpractice insurance premiums from emergency assessments to the Hurricane Catastrophe Fund; delaying the date on and after which medical malpractice insurance premiums become subject to emergency assessments; amending s. 624.408, F.S.; revising the minimum surplus as to policyholders which must be maintained by certain insurers; authorizing the Office of Insurance Regulation to reduce the surplus requirement under specified circumstances; amending s. 624.4085, F.S.; defining the term "surplus action level"; expanding the list of items that must be included in an insurer's risk-based capital plan; specifying actions constituting a surplus action level event; requiring that an insurer submit to the office a risk-based capital plan upon the occurrence of such event; providing requirements for such plan; preserving the existing authority of the office; amending s. 624.4095, F.S.; excluding certain premiums for federal multiple-peril crop insurance from calculations for an insurer's gross writing ratio; requiring insurers to disclose the gross written premiums for federal multiple-peril crop insurance in a financial statement; amending s. 626.221, F.S.; exempting certain individuals from the requirement to pass an examination before being issued a license as an agent, customer representative, or adjuster; amending s. 624.424, F.S.; revising the frequency that an insurer may use the same accountant or partner to prepare an annual audited financial report; creating s. 624.611, F.S.; authorizing an insurer to submit to the Office of Insurance Regulation a plan to use financial contracts other than reinsurance contracts to provide catastrophe loss funding; providing requirements for such a plan; authorizing an insurer to take certain action if the office approves such plan; amending s. 626.7452, F.S.; removing an exception relating to the examination of managing general agents; amending s. 626.854, F.S.; providing statements that may be considered deceptive or misleading if made in any public adjuster's advertisement or solicitation; providing a definition for the term "written advertisement"; requiring that a disclaimer be included in any public adjuster's written advertisement; providing requirements for such disclaimer; providing limitations on the amount of compensation that may be received for a reopened or supplemental claim; requiring certain persons who act on behalf of an insurer to provide notice to the insurer, claimant, public adjuster, or legal representative for an onsite inspection of the insured property; authorizing the insured or claimant to deny access to the property if notice is not provided; requiring the public adjuster to ensure prompt notice of certain property loss claims; providing that an insurer be allowed to interview the insured directly about the loss claim; prohibiting the insurer from obstructing or preventing the public adjuster from communicating with the insured; requiring that the insurer communicate with the public adjuster in an effort to reach agreement as to the scope of the covered loss under the insurance policy; prohibiting a public adjuster from restricting or preventing persons acting on behalf of the insured from having reasonable access to the insured or the insured's property; prohibiting a public adjuster from restricting or preventing the insured's adjuster from having reasonable access to or inspecting the insured's property; authorizing the insured's adjuster to be present for the inspection; prohibiting a licensed contractor or subcontractor from adjusting a claim on behalf of an insured if such contractor or subcontractor is not a licensed public adjuster; providing an exception; amending s. 626.8651, F.S.; requiring that a public adjuster apprentice complete a minimum number of hours of continuing education to qualify for licensure; amending s. 626.8796, F.S.; providing requirements for a public adjuster contract; creating s. 626.70132, F.S.; requiring that notice of a claim, supplemental claim, or reopened claim be given to the insurer within a specified period after a windstorm or hurricane occurs; providing a definition for the terms "supplemental claim" or "reopened claim"; providing applicability; amending s. 626.9744, F.S.; requiring insurers to use retail cost quotations or estimates based on current market prices in determining repair or replacement cost estimates; amending s. 627.0613, F.S.; requiring the office of the consumer advocate to objectively grade insurers annually based on the number of valid consumer complaints and other measurable and objective factors; defining the term "valid consumer complaint"; amending s. 627.062, F.S.; requiring that the office issue an approval rather than a notice of intent to approve following its approval of a file and use filing; prohibiting the Office of Insurance Regulation from, directly or indirectly, prohibiting an insurer from paying acquisition costs based on the full amount of the premium; prohibiting the Office of Insurance Regulation from, directly or indirectly, impeding the right of an insurer to acquire policyholders, advertise or appoint agents, or regulate agent commissions; authorizing an insurer to make a rate filing limited to changes in the cost of reinsurance, the cost of financing products used as a replacement for reinsurance, or changes in an inflation trend factor published annually by the Office of Insurance Regulation; providing that an insurer may use this provision only if the increase from such filing and any other rate filing does not exceed 10 percent for any policyholder in a policy year; deleting provisions relating to a rate filing for financing products relating to the Temporary Increase in Coverage Limits; revising the information that must be included in a rate filing relating to certain reinsurance or financing products; deleting a provision that prohibited an insurer from making certain rate filings within a certain period of time after a rate increase; deleting a provision prohibiting an insurer from filing for a rate increase within 6 months after it makes certain rate filings; specifying the information that an insurer must include in a rate filing based on the change in an inflation trend factor published by the Office of Insurance Regulation; requiring that the office annually publish one or more inflation trend factors; exempting the inflation trend factors from rulemaking; providing that an insurer is not required to adopt an inflation trend factor; requiring the Office of Insurance Regulation to propose a plan for developing a website, contingent upon an appropriation, which provides consumers with information necessary to make an informed decision when purchasing homeowners' insurance; requiring that the Financial Services Commission review the proposed plan

to implement the website; specifying matters that the Office of Insurance Regulation must consider in developing the website; deleting obsolete provisions relating to legislation enacted during the 2003 Special Session D of the Legislature; amending s. 627.0629, F.S.; providing legislative intent that insurers provide consumers with accurate pricing signals for alterations in order to minimize losses, but that mitigation discounts not result in a loss of income for the insurer; requiring rate filings for residential property insurance to include actuarially reasonable debits that provide proper pricing; deleting provisions that require the office to develop certain rate differentials for hurricane mitigation measures; providing for an increase in base rates if mitigation discounts exceed the aggregate reduction in expected losses; requiring the Office of Insurance Regulation to reevaluate discounts, debits, credits, and other rate differentials by a certain date; requiring the Office of Insurance Regulation, in consultation with the Department of Financial Services and the Department of Community Affairs, to develop a method for insurers to establish debits for certain hurricane mitigation measures by a certain date; requiring the Financial Services Commission to adopt rules relating to such debits by a certain date; deleting a provision that prohibits an insurer from including an expense or profit load in the cost of reinsurance to replace the Temporary Increase in Coverage Limits; amending s. 627.351, F.S.; renaming the "high-risk account" as the "coastal account"; revising the conditions under which the Citizens policyholder surcharge may be imposed; providing that members of the Citizens Property Insurance Corporation Board of Governors are not prohibited from practicing in a certain profession if not prohibited by law or ordinance; requiring applicants for coverage and policyholders to sign an acknowledgment that a policy may be subject to surcharges under certain circumstances; prohibiting board members from voting on certain measures; changing the date on which the boundaries of high-risk areas eligible for certain wind-only coverages will be reduced if certain circumstances exist; providing a directive to the Division of Statutory Revision; amending s. 627.4133, F.S.; authorizing an insurer to cancel policies after 45 days' notice if the Office of Insurance Regulation determines that the cancellation of policies is necessary to protect the interests of the public or policyholders; authorizing the Office of Insurance Regulation to place an insurer under administrative supervision or appoint a receiver upon the consent of the insurer under certain circumstances; creating s. 627.41341, F.S.; providing definitions; requiring the delivery of a "Notice of Change in Policy Terms" under certain circumstances; specifying requirements for such notice; specifying actions constituting proof of notice; authorizing policy renewals to contain a change in policy terms; providing that receipt of payment by an insurer is deemed acceptance of new policy terms by an insured; providing that the original policy remains in effect until the occurrence of specified events if an insurer fails to provide notice; providing intent; amending s. 627.7011, F.S.; requiring that an insurer pay the actual cash value of an insured loss, less any applicable deductible, under certain circumstances; requiring that a policyholder enter into a contract for the performance of building and structural repairs; requiring that an insurer pay certain remaining amounts; prohibiting a mortgagor from retaining payments from an insurer for a loss; restricting insurers and contractors from requiring advance payments for certain repairs and expenses; authorizing an insured to make a claim for replacement costs within a certain period after the insurer pays actual cash value to make a claim for replacement costs; requiring an insurer to pay the replacement costs if a total loss occurs; amending s. 627.70131, F.S.; specifying application of certain time periods to initial or supplemental property insurance claim notices and payments; amending s. 627.7015, F.S.; requiring the Department of Financial Services to prepare a statement or information by rule which must be included in a notice by an insurer informing claimants of the right to participate in a mediation program; specifying documentation that an insurer and insured must provide to a mediator in a dispute over an estimate to repair or replace property; requiring the Department of Financial Services to adopt rules specifying the type of documentation that must be submitted during a mediation; defining the term "claim dispute" as it relates to disputes between an insurer and insured; amending s. 627.707, F.S.; revising standards for investigation of sinkhole claims by insurers; specifying requirements for contracts for repairs to prevent additional damage to buildings or structures; providing for applicability; amending s. 627.7073, F.S.; revising requirements for sinkhole reports; providing for applicability; amending s. 627.7074, F.S.; revising requirements and procedures for alternative dispute resolution of sinkhole insurance claims; defining the term "substantially related matter"; providing criteria and procedures for disqualification of neutral evaluators; providing requirements and procedures for neutral evaluators to enlist assistance from other professionals under certain circumstances; providing for applicability; amending s. 627.711, F.S.; revising the list of persons qualified to sign certain mitigation verification forms for certain purposes; authorizing insurers to accept forms from certain other persons; providing requirements for persons authorized to sign mitigation forms; prohibiting misconduct in performing hurricane mitigation inspection or completing uniform mitigation forms causing certain harm; specifying what constitutes misconduct; authorizing certain licensing boards to commence disciplinary proceedings and impose administrative fines and sanctions; providing for liability of mitigation inspectors; requiring certain entities to file reports of evidence of fraud; providing for immunity from liability for reporting fraud; providing for investigative reports from the Division of Insurance Fraud; providing penalties; authorizing insurers to require independent verification of uniform mitigation verification forms; creating s. 628.252, F.S.; requiring that every domestic property insurer notify the office of its intention to enter into certain agreements, contracts, and arrangements; prohibiting a domestic property insurer from entering into such agreements, contracts, or arrangements unless specified criteria are met; preserving the existing authority of the office; providing an appropriation to the Office of Insurance Regulation and authorizing an additional position; providing effective dates.

—was taken up, having been temporarily postponed earlier today, and read the second time by title.

Rep. Ambler moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Rep. Ambler moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative Robaina offered the following:

(Amendment Bar Code: 203343)

Amendment 1—Remove lines 1659-1664 and insert:
(d) The commission may adopt rules and forms pursuant to

Rep. Robaina moved the adoption of the amendment.

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 1004].

The question recurred on the adoption of **Amendment 1**, which was adopted. The vote was:

Session Vote Sequence: 1005

Speaker Cretul in the Chair.

Yeas—117

Abruzzo	Bullard	Drake	Gonzalez
Adams	Burgin	Eisnaugle	Grady
Adkins	Bush	Evers	Grimsley
Ambler	Cannon	Fetterman	Hasner
Anderson	Carroll	Fitzgerald	Hays
Aubuchon	Chestnut	Flores	Heller
Bembry	Clarke-Reed	Ford	Holder
Bernard	Coley	Fresen	Homan
Bogdanoff	Cretul	Frishe	Hooper
Bovo	Crisafulli	Gaetz	Horner
Boyd	Cruz	Galvano	Hudson
Brandenburg	Culp	Garcia	Hukill
Braynon	Domino	Gibbons	Jenne
Brisé	Dorworth	Gibson	Jones

Kelly	Patterson	Roberson, K.	Thompson, N.
Kiar	Plakon	Roberson, Y.	Thurston
Kreegel	Planas	Rogers	Tobia
Kriseman	Poppell	Sachs	Troutman
Llorente	Porth	Sands	Van Zant
Long	Precourt	Saunders	Waldman
Lopez-Cantera	Proctor	Schenck	Weatherford
Mayfield	Rader	Schultz	Weinstein
McBurney	Randolph	Schwartz	Williams, A.
McKeel	Ray	Skidmore	Williams, T.
Murzin	Reagan	Snyder	Wood
Nehr	Reed	Soto	Workman
Nelson	Rehwinkel Vasilinda	Stargel	Zapata
O'Toole	Renuart	Steinberg	
Pafford	Rivera	Taylor	
Patronis	Robaina	Thompson, G.	

Nays—None

Votes after roll call:
Yeas—Glorioso

Rep. Nehr moved that a late-filed amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion to Adjourn

Rep. Cannon moved that the House, after receiving reports, adjourn for the purpose of holding council and committee meetings and conducting other House business, to reconvene at 9:00 a.m., Wednesday, April 28, 2010, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 11.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 303.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 325.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 523.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 889.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 981, by the required Constitutional two-thirds vote of all members elected to the Senate.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1033.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1059, by the required Constitutional two-thirds vote of all members present.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1551.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7037.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7103.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7237.

R. Philip Twogood, Secretary

The above bill was ordered enrolled.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 550, as amended, and requests the concurrence of the House.

R. Philip Twogood, Secretary

By the Policy and Steering Committee on Ways and Means; the Committees on Governmental Oversight and Accountability; and Environmental Preservation and Conservation; and Senator Constantine—

CS/CS/CS/SB 550—A bill to be entitled An act relating to environmental protection; creating part VII of ch. 373, F.S., relating to water supply policy, planning, production, and funding; providing a declaration of policy; providing for the general powers and duties of water management district governing boards; requiring the Department of Environmental Protection to develop the Florida water supply plan; providing components of the plan; requiring water management district governing boards to develop water supply plans for their respective regions; providing components of district water supply plans; providing legislative findings and intent with respect to water resource development and water supply development; requiring water management districts to fund and implement water resource development; specifying water supply development projects that are eligible to receive priority consideration for state or water management district funding assistance; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management districts in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; providing a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; requiring a water management district governing board to conduct water supply planning for each region identified in the district water supply plan; providing procedures and requirements with respect to regional water supply plans; providing for joint development of a specified water supply development component of a regional water supply plan within the boundaries of the Southwest Florida Water Management District; providing that approval of a regional water supply plan is not subject to the rulemaking requirements of the Administrative Procedure Act; requiring the department to submit annual reports on the status of regional water supply planning in each district; providing for construction with respect to the water supply development component of a regional water supply plan; requiring water management districts to present to certain entities the relevant portions of a regional water supply plan; requiring certain entities to provide written notification to water management districts as to the implementation of water supply project options; requiring water management districts to notify local governments of the need for alternative water supply projects; requiring water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues; providing for the creation of regional water supply authorities; providing purpose of such authorities; specifying considerations with respect to the creation of a proposed authority; specifying authority of a regional water supply authority; providing authority of specified entities to convey title, dedicate land, or grant land-use rights to a regional water supply authority for specified purposes; providing preferential rights of counties and municipalities to purchase water from regional water supply authorities; providing an exemption for specified water supply authorities from consideration of certain factors and submissions; providing applicability of such exemptions; authorizing the West Coast Regional Water Supply Authority and its member governments to reconstitute the authority's governance and rename the authority under a voluntary interlocal agreement; providing compliance requirements with respect to the interlocal agreement; providing for supersession of conflicting general or special laws; providing requirements with respect to annual budgets; specifying the annual millage for the authority; authorizing the authority to request the governing board of the district to levy ad valorem taxes within the boundaries of the authority to finance authority functions; providing requirements and procedures with respect to the collection of such taxes; amending ss. 120.52, 163.3167, 163.3177, 163.3191, 189.404, 189.4155, 189.4156, and 367.021, F.S.; conforming cross-references and removing obsolete provisions; amending ss. 373.036, 373.0363, 373.0421, 373.0695, 373.223, 373.2234, 373.229, 373.236, 373.536, 373.59, 378.212, 378.404, 403.0891, 403.890, 403.891, and 682.02, F.S.; conforming cross-references and removing obsolete provisions; renumbering s. 373.71, F.S.; relating to the Apalachicola-Chattahoochee-Flint River Basin Compact, to clarify retention of the section in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S., relating to regional water supply planning; repealing s. 373.0391, F.S., relating to technical assistance to local governments; repealing s. 373.0831, F.S., relating to water resource and water supply development; repealing s. 373.196, F.S., relating to alternative water supply development; repealing s. 373.1961, F.S., relating to water production and related powers and duties of water management districts; repealing s. 373.1962, F.S., relating to regional water supply authorities; repealing s. 373.1963, F.S., relating to assistance to the West Coast Regional Water Supply Authority; amending s. 373.1961, F.S.; expanding alternative water supply funding to include quantifiable conservation projects; adding a high-water recharge criterion to the ranking criteria for water projects; amending s. 373.414, F.S.; adding limestone extraction operations to activities in surface waters and wetlands that require mitigation; amending s. 378.901, F.S.; allowing life-of-the-mine permits for limestone extraction operations; providing authority for local governments to impose different permit restrictions; amending s. 373.41492, F.S.; updating mitigation fees for the Miami-Dade Lake Belt Mitigation Plan; amending s. 215.619, F.S.; authorizing the issuance of bonds to be used to finance the management of sewage facilities in the Florida Keys Area of Critical State Concern; amending s. 380.0552, F.S.; revising legislative intent relating to the designation of the Florida Keys as an area of critical state concern; revising the procedures for removing the designation; providing for administrative review of such removal rather than judicial review; authorizing the Administration Commission to adopt rules or revise existing rules; revising the principles guiding development; revising compliance requirements for reviewing comprehensive plan amendments; amending s. 381.0065, F.S.; providing additional legislative intent; providing additional requirements for onsite sewage treatment and disposal systems in Monroe County; directing the Department of Health to create and administer a statewide septic tank evaluation program; providing procedures and criteria for the evaluation program; prohibiting the land application of septage after January 1, 2016; creating s. 381.00656, F.S.; providing for a low-income grant program for septic tank maintenance and replacement; amending s. 381.0066, F.S.; authorizing the Department of Health to collect an evaluation report fee; requiring such fees to be revenue neutral; amending s. 403.086, F.S.; requiring the Department of Environmental Protection to submit a report on the effects of reclaimed water use; clarifying reuse requirements for domestic wastewater facilities that discharge through ocean outfalls; clarifying reuse requirements for domestic wastewater facilities that divert wastewater from

facilities discharging through ocean outfalls; providing legislative findings and discharge requirements for wastewater facilities in Monroe County; repealing sections 4, 5, and 6 of chapter 99-395, Laws of Florida, as amended, relating to sewage treatment in the Florida Keys; amending s. 403.1835, F.S.; conforming terms to changes made to the Florida Water Pollution Control Financing Corporation; amending s. 403.1837, F.S.; expanding the purview of the corporation to include loans made from the drinking water state revolving loan fund; providing conforming changes; amending s. 403.8532, F.S.; providing definitions for the terms "bonds" and "corporation"; providing conforming changes; authorizing the Department of Environmental Protection to adopt certain rules; amending s. 403.8533, F.S.; revising the purposes for the Drinking Water Revolving Loan Trust Fund; providing that the trust fund is exempt from the termination provisions of the State Constitution; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 553.77, F.S.; directing the Florida Building Commission to recommend products that result in water conservation; amending s. 215.47, F.S.; authorizing the State Board of Administration to make investments in alternative water supply and water resource development projects; amending s. 373.129, F.S.; requiring the water management districts to submit to alternative dispute resolution in conflicts with other governmental entities; amending s. 403.707, F.S.; requiring liners for new landfills and expansions of existing landfills not yet permitted that will accept construction and demolition debris; amending s. 298.66, F.S.; clarifying penalties for people who damage drainage works constructed or maintained by a water management district; providing legislative intent that there are no substantive changes in the reorganization ch. 373, F.S.; providing legislative intent that substantive changes affecting repealed sections of law relating to the reorganization of ch. 373, F.S., shall be given full force and effect; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 814, and requests the concurrence of the House.

R. Philip Twogood, Secretary

By the Committee on Children, Families, and Elder Affairs; and Senators Aronberg, Smith, and Ring—

CS/SB 814—A bill to be entitled An act relating to Lifeline telecommunications service; amending s. 364.10, F.S.; authorizing any commercial mobile radio service provider designated as an eligible telecommunications carrier to offer Lifeline services; authorizing the Department of Children and Family Services, the Department of Education, the Public Service Commission, and the Office of Public Counsel to exchange certain information with eligible telecommunications carriers and certain commercial mobile radio service providers so the carriers and providers can identify and enroll an eligible person in the Lifeline and Link-Up programs; maintaining confidentiality of the information; requiring that the commission, the Department of Children and Family Services, the Office of Public Counsel, and each eligible telecommunications carrier convene a Lifeline Workgroup by a specified date; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

The Honorable Larry Cretul, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2176, as amended, and requests the concurrence of the House.

R. Philip Twogood, Secretary

By the Committees on General Government Appropriations; and Banking and Insurance; and Senator Peaden—

CS/CS/SB 2176—A bill to be entitled An act relating to insurance; creating s. 624.46223, F.S.; prohibiting an association, fund, or pool created for the purpose of forming or managing a risk management mechanism or providing self-insurance for a public entity from requiring its members to give more than 60 days' notice of the member's intention to withdraw from the association, fund, or pool; amending s. 627.062, F.S.; exempting certain categories or types of insurance and types of commercial lines risks from certain rate requirements; requiring that insurers or rating organizations establish and use rates, rating schedules, or rating manuals allowing for a reasonable rate of return on certain insurance and risks; requiring that an insurer notify the Office of Insurance Regulation of any changes to rates for certain insurance and risks; requiring that such notice contain certain information; requiring that an insurer maintain certain information; providing that such information is subject to examination by the office; requiring that the office consider certain rate factors and standards when examining such information for the purpose of determining whether the rate is excessive, inadequate, or unfairly discriminatory; requiring that a rating organization provide notice to the office of any changes to loss cost for certain types of insurance within a specified period after such change; providing requirements for such notification; requiring that a rating organization maintain certain information; providing that such information is subject to examination by the office; requiring that specified rate factors and standards be used in such examination; authorizing the office, when reviewing a rate, to require that an insurer provide certain information at the insurer's expense; amending s. 627.0651, F.S.; exempting commercial motor vehicle insurance from certain motor vehicle insurance rate requirements; prohibiting certain insurance rates from being excessive, inadequate, or unfairly discriminatory; requiring that insurers or rating organizations establish and use rates, rating schedules, or rating manuals allowing for a reasonable rate of return on certain insurance and risks; requiring that an insurer notify the office of any changes to rates for certain insurance and risks; requiring that such notice contain certain information; requiring that an insurer maintain certain information; providing that such information is subject to examination by the office; requiring that the office consider certain rate factors and standards when examining such information for the purpose of determining whether the rate is excessive, inadequate, or unfairly discriminatory; requiring that a rating organization provide notice to the office of any changes to loss cost for certain types of insurance within a specified period after such change; providing requirements for such notification; requiring that a rating organization maintain certain information; providing that such information is subject to examination by the office; requiring that specified rate factors and standards be used in such examination; authorizing the office, when reviewing a rate, to require that an insurer provide certain information at the insurer's expense; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Abruzzo:

Yeas—April 22: 876

Rep. Bovo:

Yeas—April 22: 879; April 26: 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 988, 989, 990, 991, 992, 993, 994, 995, 996

Nays—April 26: 969

Rep. Bullard:

Yeas—March 18: 578, 582, 583; April 26: 937, 947

Rep. Fetterman:

Yeas—April 26: 941

Rep. Glorioso:

Yeas—April 21: 835

Nays—April 21: 860

Rep. Kelly:

Yeas—April 26: 994

Rep. Ray:

Yeas—April 26: 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 989, 990, 994

Nays—April 26: 969

Rep. Y. Roberson:

Nays to Yeas—April 26: 948

Rep. Rogers:

Yeas—April 26: 993

Rep. Troutman:

Yeas—April 26: 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 943

Yeas to Nays—April 26: 929

Rep. A. Williams:

Yeas—April 26: 996

Cosponsors

CS/HM 253—Legg

CS/CS/CS/HB 303—Anderson

CS/CS/HB 557—Rogers

CS/HB 751—Drake

CS/HB 1003—Evers

CS/CS/HB 1033—Gaetz

HR 9011—Brisé, Heller, Kriseman, Renuart

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bill which he approved:

April 27—CS/HB 295

The Honorable Kurt S. Browning April 27, 2010
Secretary of State

Dear Secretary Browning:

Enclosed for filing are acts that originated in the House during the 2010 Session, which I have approved today:

CS HB 295 Food Service Inspections of Domestic Violence Centers and Group Care Homes

Sincerely,
CHARLIE CRIST
Governor

Excused

Rep. Bovo until 9:52 a.m.

The following Conference Committee Managers were excused in order to conduct business with their Senate counterparts:

HB 5001, and related legislation (HB 5003, CS/HB 5101, HB 5201, HB 5301, HB 5303, HB 5305, HB 5307, HB 5309, HB 5311, CS/HB 5401, HB 5403, HB 5501, CS/HB 5503, HB 5505, HB 5601, HB 5603, HB 5605, HB 5607, CS/HB 5611, HB 5701, HB 5703, HB 5705, HB 5707, HB 5709, HCR 5711, HB 5713, CS/HB 5801, CS for CS for SB 1238, CS for SB 1396, CS for SB 1436, CS for SB 1442, CS for CS for SB 1484, CS for SB 1508, CS for SB 1510, CS for SB 1514, CS for CS for SB 1516, CS for SB 1592, CS for SB 1646, CS for SB 2020, CS for SB 2024, CS for SB 2374, and CS for SB 2386), to serve with Rep. Rivera, Chair; Rep. Grimsley, Acting Chair: PreK-12 Appropriations Committee—Rep. Flores, Chair, and Reps. Bullard, Clarke-Reed, Coley, Fresen, Kiar, Legg, and Stargel; State Universities & Private Colleges Appropriations—Rep. Proctor, Chair, and Reps. Bernard, Brisé, Burgin, Dorworth, Jones, McKeel, O'Toole, and Reed; Transportation & Economic Development Appropriations—Rep. Glorioso, Chair, and Reps. Carroll, Fitzgerald, Gibson, Jenne, Horner, Hukill, Murzin, Patronis, Rogers, and Schenck; Criminal & Civil Justice Appropriations—Rep. Adams, Chair, and Reps. Eisnaugle, Holder, Kreegel, McBurney, Porth, Rouson, Soto, and Tobia; Government Operations Appropriations—Rep. Hays, Chair, and Reps. Abruzzo, Braynon, Gonzalez, Nelson, Ray, A. Williams, and Workman; Health Care Appropriations—Rep. Grimsley, Chair, and Reps. Chestnut, Ford, Frishe, Hudson, Y. Roberson, Skidmore, and N. Thompson; Natural Resources Appropriations—Rep. Poppell, Chair, and Reps. Bembry, Boyd, Brandenburg, Crisafulli, Plakon, Precourt, and T. Williams; Full Committee—At Large: Reps. Aubuchon, Bogdanoff, Galvano, Gibbons, Hasner, Lopez-Cantera, Reagan, Sands, G. Thompson, Thurston, and Weatherford.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 4:27 p.m., to reconvene at 9:00 a.m., Wednesday, April 28, 2010, or upon call of the Chair.

CHAMBER ACTIONS ON BILLS

Tuesday, April 27, 2010

HB 9 — Substituted SB 12; Laid on Table, refer to SB 12

SB 12 — Read 2nd time; Substituted for HB 9

CS for SB 30 — Read 2nd time; Substituted for CS/HB 1303

HB 45 — Substituted SB 166; Laid on Table, refer to SB 166

CS for SB 46 — Read 2nd time; Substituted for CS/HB 1017

CS for SB 50 — Read 2nd time; Substituted for HB 1155

SB 54 — Read 2nd time; Substituted for CS/HB 363

CS/HB 55 — Substituted CS/SB 206; Laid on Table, refer to CS/SB 206

CS/HB 59 — Substituted SB 150; Laid on Table, refer to SB 150

CS for SB 60 — Read 2nd time; Substituted for CS/HB 195

CS/HB 97 — Substituted CS/SB 768; Laid on Table, refer to CS/SB 768

CS/HB 121 — Substituted CS/SB 1178; Laid on Table, refer to CS/SB 1178

CS for SB 140 — Read 2nd time; Substituted for CS/HB 1619

CS/CS/CS/HB 149 — Substituted CS/CS/SB 850; Laid on Table, refer to CS/CS/SB 850

SB 150 — Read 2nd time; Substituted for CS/HB 59

SB 166 — Read 2nd time; Substituted for HB 45

CS/HB 183 — Substituted SB 502; Laid on Table, refer to SB 502

CS/CS/HB 187 — Substituted CS/CS/SB 366; Laid on Table, refer to CS/CS/SB 366

CS/HB 195 — Substituted CS/SB 60; Laid on Table, refer to CS/SB 60

CS for SB 200 — Read 2nd time; Substituted for HB 261

CS/CS/HB 203 — Substituted CS/SB 370; Laid on Table, refer to CS/SB 370

CS for SB 206 — Read 2nd time; Substituted for CS/HB 55

CS/HB 259 — Substituted CS/SB 704; Laid on Table, refer to CS/SB 704

HB 261 — Substituted CS/SB 200; Laid on Table, refer to CS/SB 200

CS for SB 312 — Read 2nd time; Substituted for CS/HB 485

CS for SB 318 — Read 2nd time; Substituted for CS/CS/HB 709

CS/HB 357 — Substituted SB 1150; Laid on Table, refer to SB 1150

CS/HB 361 — Substituted CS/CS/SB 998; Laid on Table, refer to CS/CS/SB 998

CS/HB 363 — Substituted SB 54; Laid on Table, refer to SB 54

CS for CS for SB 366 — Read 2nd time; Substituted for CS/CS/HB 187

CS for SB 370 — Read 2nd time; Substituted for CS/CS/HB 203

CS/HB 395 — Substituted CS/CS/SB 644; Laid on Table, refer to CS/CS/SB 644

CS/CS/CS/HB 409 — Substituted CS/SB 492; Laid on Table, refer to CS/SB 492

CS for CS for SB 434 — Read 2nd time; Substituted for CS/CS/HB 1061

CS/CS/HB 447 — Temporarily postponed, on 3rd Reading

CS/HB 479 — Substituted CS/SB 962; Laid on Table, refer to CS/SB 962

CS/HB 485 — Substituted CS/SB 312; Laid on Table, refer to CS/SB 312

SB 488 — Read 2nd time; Substituted for HB 609

CS for SB 492 — Read 2nd time; Substituted for CS/CS/CS/HB 409

CS/CS/HB 501 — Substituted CS/CS/SB 926; Laid on Table, refer to CS/CS/SB 926

SB 502 — Read 2nd time; Substituted for CS/HB 183

CS/CS/HB 513 — Temporarily postponed, on 3rd Reading

CS/HB 527 — Substituted CS/CS/SB 1152; Laid on Table, refer to CS/CS/SB 1152

CS/CS/CS/HB 561 — Substituted CS/CS/CS/SB 1196; Laid on Table, refer to CS/CS/CS/SB 1196

CS/HB 603 — Substituted CS/CS/SB 1058; Laid on Table, refer to CS/CS/SB 1058

HB 609 — Substituted SB 488; Laid on Table, refer to SB 488

CS/CS/CS/HB 617 — Temporarily postponed, on 3rd Reading

HB 629 — Substituted SB 1136; Laid on Table, refer to SB 1136

CS for CS for SB 644 — Read 2nd time; Substituted for CS/HB 395

CS/CS/HB 645 — Substituted SB 1166; Laid on Table, refer to SB 1166

CS/HB 691 — Substituted CS/CS/SB 982; Laid on Table, refer to CS/CS/SB 982

CS for CS for CS for SB 694 — Read 2nd time; Substituted for CS/HB 7083

CS/HB 701 — Substituted CS/CS/SB 1964; Laid on Table, refer to CS/CS/SB 1964

CS for SB 704 — Read 2nd time; Substituted for CS/HB 259

CS/CS/HB 709 — Substituted CS/SB 318; Laid on Table, refer to CS/SB 318

CS for CS for CS for SB 742 — Read 2nd time

CS for SB 768 — Read 2nd time; Substituted for CS/HB 97

SB 808 — Read 2nd time

HB 813 — Substituted CS/SB 1012; Laid on Table, refer to CS/SB 1012

CS/CS/CS/HB 829 — Substituted CS/CS/SB 1004; Laid on Table, refer to CS/CS/SB 1004

CS for CS for CS for SB 846 — Read 2nd time; Substituted for CS/HB 7095

CS for CS for SB 850 — Read 2nd time; Substituted for CS/CS/CS/HB 149

CS for SB 902 — Temporarily postponed, on 2nd Reading

CS for CS for SB 926 — Read 2nd time; Substituted for CS/CS/HB 501

CS for SB 962 — Read 2nd time; Substituted for CS/HB 479

CS for CS for SB 982 — Read 2nd time; Substituted for CS/HB 691

CS for CS for SB 998 — Read 2nd time; Substituted for CS/HB 361

CS for CS for SB 1004 — Read 2nd time; Substituted for CS/CS/CS/HB 829

CS for SB 1012 — Read 2nd time; Substituted for HB 813

CS/HB 1017 — Substituted CS/SB 46; Laid on Table, refer to CS/SB 46

CS for CS for SB 1050 — Read 2nd time; Substituted for CS/CS/HB 1071

CS for CS for SB 1058 — Read 2nd time; Substituted for CS/HB 603

CS/CS/HB 1061 — Substituted CS/CS/SB 434; Laid on Table, refer to CS/CS/SB 434

HB 1065 — Substituted CS/SB 1730; Laid on Table, refer to CS/SB 1730

CS/CS/HB 1071 — Substituted CS/CS/SB 1050; Laid on Table, refer to CS/CS/SB 1050

CS for SB 1072 — Read 2nd time; Substituted for CS/HB 7181; Amendment 616303 adopted; Amendment 355771 adopted

CS/HB 1075 — Substituted CS/SB 1612; Laid on Table, refer to CS/SB 1612

CS for SB 1118 — Read 2nd time; Substituted for CS/CS/CS/HB 1239; Amendment 194399 adopted

SB 1136 — Read 2nd time; Substituted for HB 629

SB 1150 — Read 2nd time; Substituted for CS/HB 357

CS for CS for SB 1152 — Read 2nd time; Substituted for CS/HB 527

HB 1155 — Substituted CS/SB 50; Laid on Table, refer to CS/SB 50

SB 1166 — Read 2nd time; Substituted for CS/CS/HB 645; Amendment 263363 adopted; Amendment 778525 adopted; Amendment 245737 adopted

CS for SB 1178 — Read 2nd time; Substituted for CS/HB 121

CS for CS for CS for SB 1196 — Read 2nd time; Substituted for CS/CS/CS/HB 561; Amendment 432659 Failed; Amendment 350183 Failed; Amendment 582885 Failed; Amendment 867115 Failed

CS/CS/HB 1203 — Substituted CS/CS/CS/SB 2014; Laid on Table, refer to CS/CS/CS/SB 2014

CS/CS/CS/HB 1239 — Substituted CS/SB 1118; Laid on Table, refer to CS/SB 1118

HB 1293 — Substituted CS/SB 1306; Laid on Table, refer to CS/SB 1306

CS/HB 1297 — Temporarily postponed, on 3rd Reading

CS/HB 1303 — Substituted CS/SB 30; Laid on Table, refer to CS/SB 30

CS for SB 1306 — Read 2nd time; Substituted for HB 1293

CS/HB 1331 — Substituted CS/CS/SB 1842; Laid on Table, refer to CS/CS/SB 1842

CS for CS for SB 1412 — Read 2nd time; Amendment 701109 adopted; Amendment 653191 adopted; Amendment 450439 adopted; Amendment 233735 adopted; Amendment 086067 adopted; Amendment 411275 adopted; Amendment 439619 adopted; Amendment 560835 adopted

CS/CS/HB 1509 — Substituted CS/SB 1752; Laid on Table, refer to CS/SB 1752

CS for SB 1612 — Read 2nd time; Substituted for CS/HB 1075

CS/HB 1619 — Substituted CS/SB 140; Laid on Table, refer to CS/SB 140

SB 1678 — Read 2nd time; Substituted for HB 7197

CS for SB 1730 — Read 2nd time; Substituted for HB 1065

CS for CS for SB 1736 — Read 2nd time

CS for SB 1752 — Read 2nd time; Substituted for CS/CS/HB 1509; Amendment 308761 adopted; Amendment 625935 adopted

CS for CS for SB 1842 — Read 2nd time; Substituted for CS/HB 1331

CS for CS for SB 1964 — Read 2nd time; Substituted for CS/HB 701

CS for CS for CS for SB 2014 — Read 2nd time; Substituted for CS/CS/HB 1203

CS for CS for SB 2044 — Read 2nd time; Amendment 203343 adopted

CS for SB 2046 — Read 2nd time; Substituted for HB 7241

CS for CS for CS for SB 2086 — Read 2nd time

CS for CS for SB 2272 — Read 2nd time; Amendment 462965 adopted; Amendment 737543 adopted; Amendment 801573 adopted

SB 2470 — Read 2nd time

CS for SB 2752 — Temporarily postponed, on 2nd Reading

CS/HB 7083 — Substituted CS/CS/CS/SB 694; Laid on Table, refer to CS/CS/CS/SB 694

CS/HB 7095 — Substituted CS/CS/CS/SB 846; Laid on Table, refer to CS/CS/CS/SB 846

CS/HB 7181 — Substituted CS/SB 1072; Laid on Table, refer to CS/SB 1072

HB 7197 — Substituted SB 1678; Laid on Table, refer to SB 1678

CS/CS/HB 7209 — Temporarily postponed, on 3rd Reading

HB 7217 — Temporarily postponed, on 3rd Reading

CS/HB 7229 — Read 3rd time; Amendment 633379 Failed; Amendment 221963 adopted; Amendment 684539 Failed; Amendment 380067 adopted; Amendment 536379 adopted; Amendment 539245 adopted; Amendment 263881 adopted; Amendment 407487 adopted; CS passed as amended; YEAS 83, NAYS 34

HB 7233 — Temporarily postponed, on 3rd Reading

HB 7241 — Substituted CS/SB 2046; Laid on Table, refer to CS/SB 2046

JOURNAL OF THE HOUSE OF REPRESENTATIVES

DAILY INDICES FOR

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